

United Nations
ECONOMIC
AND
SOCIAL COUNCIL

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CONSEIL
ECONOMIQUE
ET SOCIAL

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COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

DOCUMENTED OUTLINE

PART I - TEXTS.

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CONSEIL
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PART I - TEXTS

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/Lebanon

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| United Kingdom | No written provisions | |

/United States
of America

SECTION III. NATIONAL CONSTITUTIONS (continued)

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SECTION IV. IRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL
ORGANIZATIONS IN CATEGORY A**.

American Federation of Labor

* It is regretted that the text of the Venezuelan Constitution was received too late to be included in this document, but it will be issued separately.

** That is, a non-governmental organization recognized in accordance with paragraph 1 (a) of Part IV of the Report of the Committee on Arrangements for Consultation with Non-Governmental Organizations, adopted by the Economic and Social Council 21 June 1946.

ARTICLE 1

Every one owes a duty of loyalty to his State and to the (international society) United Nations. He must accept his just share of responsibility for the performance of such social duties and his share of such common sacrifices as may contribute to the common good.

SECTION I. OBSERVATIONS MADE BY MEMBERS
OF THE HUMAN RIGHTS COMMISSION

Mr. Hodgson (Australia):

"...are we, when we put it to the drafting group, going to ask them to attempt to define in some way, to go through the so-called rights one by one and say, well, none of them is absolute, they all have limitations, are they to define what the limitations will be, or are they going to get some general limitation, that is, that that right must have regard to the rights of the group, the rights of the State, the rights of the community and the rights of other human persons?"*

"...Everyone of these rights has a corresponding duty. That brings in the points which were raised yesterday as to the interests of the state against the interests of the individual or the interests of the community. Now, none of these rights we are talking about is absolute. Take the best recognized one of all, the right of expression. Now, that right of expression has a corresponding duty. There is a right, there is a duty to respect the rights of others, not to be libelous. If I have, say, a newspaper to express myself, if I speak treasonably or corruptly, or undermine the very foundations of the state by my right of expression, I am automatically limited. So the question comes to my mind: Are we going in every case to put the corresponding duty or are we just going to lay these down as absolute rights?"**

Mr. Wu (China):

He says that it is a question of establishing the rights of the human being and at the same time demanding his acceptance of the corresponding obligations.***

* H.R. Com. - 1st session - 14th meeting - pages 65-70.

** H.R. Com. - 1st session - 9th meeting - pages 42-43.

*** H.R. Com. - 1st session - 9th meeting - pages 56-60.

/Mr. Dukes

Mr. Dukes (United Kingdom):

"...I repeat that in the language as used, it appears as though we are throwing the doors wide open and we unduly, I think, awaiting the right of personal freedom without, at the same time, making provision for the obligations as between the individual or individuals who are supposed to benefit by these freedoms and the obligation to the States into which they would move or where they would hope to find asylum."*

"...It is of no use in my opinion of seeking to define personal freedom entirely detached from the obligation of those individuals either to the State or to voluntary organizations and at the same time claim the advantages and the benefits outlined in this group under number 3."**

Mr. Cassin (France):

"...We have a right to food, we say, but if everybody has a right to food and no one wants to be compelled to work, how are we going to feed ourselves? This, therefore, is a point upon which we ought to state the opposite rights. On the one hand we ought to state the right of the individual and on the other hand the right of the community. I, myself, admit in a general way at any rate, that when the State or community creates a member who refuses to work and does not want to collaborate with others, then the rights of that individual must be conditioned by the work he is asked to accomplish."***

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS
OR PROPOSALS SUBMITTED TO THE
COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile - No provision
Cuba - No provision
Panama - No provision

B. Proposals

India - No provision
United States - No provision

* H.R. Com. 1st session - 14th meeting - page E-21.

** H.R. Com. 1st session - 14th meeting - page E-51.

*** H.R. Com. 1st session - 14th meeting - page E-61.

SECTION III. NATIONAL CONSTITUTIONS

Argentine, Constitution of

Article 21

Every Argentine citizen is obliged to arm himself in defense of the Fatherland and of this Constitution, in accordance with whatever laws the Congress shall enact for the purpose and with the decrees of the National Executive. Citizens by naturalization are free to render this service or not for a term of ten years counting from the date on which they obtain their letters of citizenship.

Byelorussia, Constitution of

Article 105

See Union of Soviet Socialist Republics Constitution, Article 130.

China, Constitution of

Article 19

The people shall have the duty of paying taxes in accordance with law.

Article 20

The people shall have the duty of performing military service in accordance with law.

Czechoslovakia, Constitution of

Article 127

1. Every able-bodied citizen of the Czechoslovak Republic shall undergo training and shall obey the summons when called upon for the defence of the State.

Denmark, Constitution of

Article 88

Every able-bodied man is obliged to contribute his personal services in the country's defense in accordance with the detailed regulations specified by law.

Dominican Republic, Constitution of

Article 6

5th. The law will establish penalties applicable to those who act against the social order, or the public peace.

Ecuador, Constitution of

Article 159

All persons inhabiting national territory shall respect and obey the Constitution, laws and authority of the Republic.

/Ethiopia.

Ethiopia, Constitution of

Article 20

All those belonging to the Ethiopian Army owe allegiance and absolute obedience to the Emperor in accordance with the provisions of the law.

Article 21

The nation shall be bound to pay legal taxes.

Haiti, Constitution of

Article 33

The counterpart of the status of citizenship and of civic and political rights is civic duty.

Civic duty consists of all the citizen's obligations towards the State and the nation in moral, political, social and economic matters.

Non-observance of these provisions shall be punishable by law. Officials and employees of all grades must, in the exercise of their duties, conduct themselves as men of honour, dignity and conscience and show due regard for the common weal under all circumstances.

Iceland, Constitution of

Article 75

Every able-bodied man is bound to take personal part in the defence of the country according to the detailed regulations which may be laid down by law.

Liberia, Constitution of

Article 1, Section 12

The people have a right to keep and to bear arms for the common defence.....

Mexico (United Mexican States), Constitution of the

Article 31

It shall be the duty of all Mexicans:

2nd. To present themselves on the days and hours designated by the municipal council of the place in which they reside, to receive such civic and military instruction as shall fit them for the exercise of their rights as citizens, train them in the use of arms, and accustom them to military discipline.

3rd. To enlist and serve in the national guard in accordance with the

/respective

respective organic law in order to preserve and defend the independence, territory, honour, rights, and interests of the Fatherland, as well as internal tranquillity and order; and

4th. To contribute toward the public expenses of the Federation, as well as of the State and municipality in which they reside, in a proportionate and equitable manner, as provided by law.

Privileges of citizens are:

Article 35

4th. To bear arms in the army or national guard for the defense of the Republic and its institutions and in the terms prescribed by law; and

Article 36

The duties of a citizen of the Republic are:

1st. To be registered at the municipal revenue office, declaring the property he owns, the industry, profession, or work in which he is engaged, and also to be registered in the electoral list in the terms specified by the laws.

Netherlands, Constitution of the

Article 181

All Netherlands subjects who are able shall be bound to collaborate for the maintenance of the independence of the Realm and for the defence of its territory.

This obligation may also be laid upon inhabitants who are not Netherlands subjects.

Article 182

Obligatory military service shall be regulated by law.

Nicaragua, Constitution of

Article 96

Work is a social duty. Every inhabitant of the Republic has the obligation of applying his physical and intellectual energies in a form that will redound to the benefit of the community.

Norway, Constitution of

Article 109

Every citizen of the State shall, as a general rule, for a certain time, be liable to military service, without regard to birth or fortune.

/The application

The application of this principle and the restrictions it may become subject to, shall be determined by law.

Poland, Constitution of

Article 90

Every citizen has the duty of respecting and obeying the constitution of the state and other valid laws and ordinances of the state and self-government authorities.

Article 91

"All citizens are subject to military service "

Article 89

Fidelity to the Republic of Poland is the first duty of a citizen.

Article 93

All citizens are bound to respect legitimate authority and to facilitate the performance of its duties to which they may be appointed by the nation or the proper authority.

Article 92

It is the duty of all citizens to submit to any public burdens, services and duties imposed by virtue of statute.

Siam, Constitution of

Article 15

It is the duty of every person to respect the law, to defend the country and to assist the Government by the payment of taxes and in other ways, under the conditions and in the manner prescribed by law.

Ukraine, Constitution of

Article 129

See Union of Soviet Socialist Republics Constitution Article 130.

Union of Soviet Socialist Republics, Constitution of

Article 130

It is the duty of every citizen of the Union of Soviet Socialist Republics to abide by the constitution of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

/United States.

United States, Constitution of the

Article III, Section 3

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Yugoslavia, Constitution of

Article 22

The citizens of the Federal Peoples' Republic of Yugoslavia are bound to comply with the Constitution and laws.

Article 34

The defence of the fatherland is the supreme duty and honour of every citizen.

High treason is the greatest crime towards the people.

Military service is universal for all citizens.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 2

In the exercise of his rights every one is limited by
the rights of others and by the just requirements of the
State and of the United Nations.

(See Article 18 quoted below of the Panama Draft of International Declaration)

SECTION I - OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

(See observations of Messrs. Hodgson, Dukes, Cassin under Article 1)

SECTION II - DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A - Drafts of International Declarations:

Chile (Draft of the Inter-American Juridical Committee)

Article XIX

Rights and duties are correlative; and the duty to respect
the rights of others operates at all times as a restriction upon
the arbitrary exercise of rights.

Cuba - no provision

Panama

Article 18

In the exercise of his rights every one is limited by the
rights of others and by the just requirements of the democratic
state.

B - Proposals

India - No provision
United States - No provision

SECTION III - NATIONAL CONSTITUTIONS

China, Constitution of

Article 23

No one of the liberties and rights enumerated in the preceding
articles may, except as warranted by reason of preventing infringement
of the liberties of other persons, averting an imminent crisis, maintaining
social order or advancing public interest, be restricted by law.

/Article 22

Article 22

All other liberties and rights of the people that are not inimical to social order or public interest shall be guaranteed under the Constitution.

France, Declaration of the Rights of Man and of the Citizen,
26 August 1789

Article 4

Liberty consists in the power of doing whatever does not injure another. Accordingly, the exercise of the natural rights of every man has no other limit than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by the law.

Paraguay, Constitution of

Article 35

The liberties that this Constitution guarantees are all of a social character. Exigencies of the public order may limit them in their exercise in the manner and form that the laws may establish. To preach hatred or class conflict among Paraguayans is not permitted.

Turkey, Constitution of

Article 68

Every Turk is born free and free he lives.

Liberty consists of any action which is not detrimental to others.

The limits of an individual's liberty, which is his natural right, extend only to the point where they infringe on the liberties enjoyed by his fellow-citizens. The said limits are defined solely by law.

Article 79

The limits imposed on the liberty of making contracts, of labour, of ownership, of meeting and associating, and of incorporating shall be determined by law.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 3

"Every one has the right to life. This right can be denied only to persons who have been convicted under general law of some crime against society to which the death penalty is attached."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Cassin (France):

".....we are thinking of the right to live and protection of human life. That is not quite as elementary as we see it. In 1933, when Germany began to violate these very principles, all the countries of the world wondered as to whether they had the right of intervention in order to save humanity and to maintain those principles, and they did not intervene. Later we suffered the loss of millions of human beings. Therefore, I think it is fundamental that we state that human beings have the right of existence."*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article I

Every person has the right to life. This right extends to the right to life from the moment of conception; to the right to life of incurables, imbeciles and the insane. It includes the right to sustenance and support in the case of those unable to support themselves by their own efforts; and it implies a duty of the state to see to that such support is made available.

The right to life may be denied by the state only on the ground of conviction of the gravest crimes, to which the death penalty has been attached.

Cuba

The right to life, to liberty, to personal security and to respect of his dignity as a human being.

Panama

No provision

* H. R. Com. 1st session - 13th meeting - pages E-94, E-95.

/B. Proposals

B. Proposals

India - No provision
United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of Article 25

...Capital punishment shall be applied only in cases of assassination, patricide, and treason to the Fatherland, by treason, complicity with the enemy during a state of foreign war is understood.

Brazil, Constitution of Article 141

No. 31. There shall be no penalty of death,...Exception is made, with respect to the death penalty, of the provisions of military law in time of war with a foreign country....

China, Constitution of Article 15

The right of existence....shall be guaranteed to the people.

Colombia, Constitution of Article 29

The legislature may not impose capital punishment in any case.

Costa Rica, Constitution of Article 45

Human life is inviolable in Costa Rica.

Cuba, Constitution of the Republic of Article 25

The penalty of death may not be imposed. However, crimes of a military character committed by members of the armed force, and treason or espionage in favour of the enemy in time of war with a foreign Nation, are excepted.

Czechoslovakia, Constitution of Article 106

2. All persons residing in the Czechoslovak Republic shall enjoy within its territory in equal measure with the citizens of this Republic complete and absolute security of life and liberty without regard to origin, nationality, language, race or religion. Exception to this principle may be made only so far as is compatible with international law.

/ Dominican Repub

Dominican Republic, Constitution of

Article 6

The following are established as inherent to the human personality:

1st. Inviolability of life.

The penalty of death cannot be established, nor any other that implies the loss of the physical integrity of the individual.

The law will be able, nevertheless, to establish the penalty of death for those who, in time of war with a foreign nation, become guilty of crimes opposing the fortune of the national forces, or of treason or espionage in favour of the enemy.

Ecuador, Constitution of

Article 187

"The State shall guarantee to the inhabitants of Ecuador:

(1) the sanctity of human life: there shall be no death penalty.."

El Salvador, Constitution of

Article 19

The penalty of death may not be imposed, except for very grave crimes, purely military, and committed in campaign and determined by the military code; and for the crimes of parricide, murder or robbery or arson if death follows....

Greece, Constitution of

Article 18

...Civil death is abolished.

The penalty of death for political offences, except complex crimes, is abolished.

Guatemala, Constitution of

Article 23

"The state protects human existence in a preferable way. The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily life...."

Haiti, Constitution of

Article 5

The life and liberty of Haitians are sacred and must be respected by individuals and by the State.

Article 20

The death penalty cannot be established for political offences except treason.

/The crime of

The crime of treason includes every act consisting in taking up arms against the Republic of Haiti, adhering to the declared enemies of Haiti and giving them aid and comfort.

Honduras, Constitution of

Article 31

The penalty of death is abolished in Honduras; but while the penal system is being established, it shall be applied in cases determined by law, only to parricides, assassins, and traitors when the latter are in active service and on campaign.

Sentences issued in suits instituted for these crimes shall be deliberated on by the courts of appeals and the decision of the latter shall be sent to the Supreme Court of Justice for review if common crimes are involved, and to the military court of the Republic if the offence is of a military nature.

The Supreme Court of Justice, as well as the military court of the Republic, shall render a decision based only on the proceedings.

Article 44

The right of self-defense is inviolable.

Iran, The Supplementary Fundamental Laws of

Article 9

All individuals are protected and safeguarded in respect to their lives, property, homes, and honour, from every kind of interference, and none shall molest them save in such case and in such a way as the laws of the land shall determine.

Luxemburg, Constitution of

Article 18

The death penalty for political offences, civil death and branding are abolished.

Mexico (United Mexican States) Constitution of the

Article 22

The penalty of death for political crimes is likewise prohibited; and for other types of offences, it may be imposed only upon traitors to the Fatherland in a foreign war, parricides, homicides by treachery, premeditation, or gain, incendiaries, plagiarizers, highway robbers, pirates,
/and offenders

and offenders who have committed grave offenses of a military character.

Nicaragua, Constitution of

Article 36

Human life is inviolable in Nicaragua, but, while the penitentiary system is not established, the penalty of death may be applied in cases determined by law to traitors to the Fatherland in a foreign war, to criminals in cases of grave offenses of a purely military character, to parricides, to incendiaries, to highwaymen, to pirates, and to assassins.

Panama, Constitution of the Republic of

Article 30

There is no penalty of death, expatriation, or confiscation of property.

Paraguay, Constitution of

Article 25

In no case may the death penalty be applied for political reasons.

Peru, Constitution of the Republic of

Article 54

The penalty of death may be imposed for the crimes of treason to the Fatherland and qualified homicide, and for all crimes that may be determined by the law.

Poland, Constitution of

Article 95

"The Republic of Poland guarantees on its territory, to all, without distinction of extraction, nationality, language, race, or religion, full protection of life...."

Sweden, Constitution of

Article 16

The King....shall not deprive anyone or permit anyone to be deprived of life without legal trial and sentence.

Turkey, Constitution of

Article 71

The life, property, honour and residence of each individual are inviolable.

United States, Constitution of the

5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment, or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger...

/Uruguay,

Uruguay, Constitution of

Article 25

The penalty of death shall not be inflicted on any person.

Penal institutions shall in no case be permitted to inflict humiliating punishments, but shall exist only for the security of the accused and condemned persons, pursuing their re-education, rehabilitation for work, and prevention of crime.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 4

"No one shall be subjected to torture, or to
any unusual punishment or indignity."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XII

".....and no cruel or unusual punishments."

Cuba

No provision

Panama

No provision

B. Proposals

India - No provision

United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 19

The rack and other kinds of torture are absolutely abolished. No
punishment can be inflicted which is not prescribed by the law of the land
and the sacred Shariat law.

Argentina, Constitution of Article 18

No inhabitant of the Nation may be punished without previous trial,
based on an earlier law than the date of the offense, nor tried by special
commissions, nor removed from the judges designated by law before the date
of the trial. No one can be compelled to testify against himself or be
arrested except by virtue of a written order from a competent authority.
The defense, by trial, of the person and of rights is inviolable. The

/domicile

domicile is inviolable, as also epistolary correspondence and private papers; and a law shall determine in what cases and for what reasons their search and seizure will be allowed. The penalty of death for political offenses, all kinds of torture, and whipping, are forever abolished. The prisons of the Nation shall be healthy and clean, for the safety and not for the punishment of the prisoners confined in them; and any measure that under pretext of precaution inflicts on them hardship beyond what the Nation demands, will bring responsibility upon the judge who authorizes it.

Bolivia, Constitution of

Article 14

.....In no case shall torture or any other kind of inhuman punishment be employed.

Chile, Constitution of

Article 18

.....Tortue shall not be applied.....

Costa Rica, Constitution of

Article 24

The punishment of infamy is not transcendental. The use of torture and the punishment of confiscation are prohibited.

Ecuador, Constitution of

Article 161

"..... nor may the law prescribe conditions to the detriment of human dignity."

Article 187

"(1)..... mutilation, flogging and other tortures and degrading procedures are categorically forbidden whether as penalties, corrective measures, or means of investigating offenses."

El Salvador, Constitution of

Article 19

Perpetual penalties, flogging and all kinds of torture are prohibited.

Greece, Constitution of

Article 18

Torture and general confiscation are prohibited....

Guatemala, Constitution of

Article 45

"..... In no case may torture, vexations, molestation, or any other form of coercion be inflicted upon....."

/Haiti,

Haiti, Constitution of

Article 12

All unnecessary harshness or constraint in apprehending a person or keeping him in custody, as well as all moral pressure or physical violence, especially during interrogation, are prohibited.

Honduras, Constitution of

Article 47

Whipping, beating with sticks, and all kinds of torture are absolutely forbidden. Unnecessary imprisonment and all undue punishment are also forbidden.

Article 53

Proscriptive, confiscatory laws are prohibited, as well as those ordering inhuman or perpetual punishment.

The duration of penalties shall not exceed twelve years, or twenty years for an accumulation for various offenses.

Iraq, Constitution of

Article 7

.....Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Mexico (United Mexican States) Constitution of

Article 19

Any ill treatment on apprehension or in prisons, any hardship inflicted without legal cause, any tax or contribution in penal institutions are abuses which shall be corrected by law and repressed by the authorities.

Article 22

Punishments by mutilation or infamy, branding, flogging, beating, torture of any kind, excessive fines....are prohibited.

Nicaragua, Constitution of

Article 55

Prospective laws, those that inflict opprobrious penalties, or those that last more than twenty-five years are prohibited.

Article 76

Prisons are established for security and social defense. The prevention of crime, the re-education of the convict, and his preparation for work outside will be undertaken in them.....

Article 76

.... Every act of cruelty or torture against convicts is prohibited.

Article 221

When the Republic finds itself involved in an international war or in an internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

- 1st. The inviolability of human life.
- 2nd. The prohibition against being tried by judges not recognized by the law.
- 3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.
- 4th. The prohibition against retroactive or confiscatory laws; and
- 5th. The levying of taxes.

Norway, Constitution of

Article 96

Examination by torture must not take place.

Panama, Constitution of

Article 28

Jails are places of security and regeneration. All severity that is not necessary for express purposes is prohibited in them.

Paraguay, Constitution of

Article 28

Jails must be sanitary and clean. Punishment by any form of torture, including whipping, is prohibited.

Philippines, Constitution of

Article III,
Section 1. (19)

Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

Poland, Constitution of

Article 98

"..... Punishments involving physical suffering are not permitted and no one may be subjected to such punishment..."

/Syria,

Syria, Constitution of

Article 11

Corporal punishment is forbidden.....

Turkey, Constitution of

Article 73

Torture, bodily mistreatment, confiscation and forced labour are prohibited.

United States, Constitution of

8th Amendment

.... nor cruel and unusual punishments inflicted.

Uruguay, Constitution of

Article 25

..... Penal institutions shall in no case be permitted to inflict humiliating punishments, but shall exist only for the security of the accused and condemned persons, pursuing their reeducation, rehabilitation for work, and prevention of crime.

SECTION IV. - DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if -

(e) Freedom from the terror of secret police surveillance, arrest or torture. This can be assured only through the abolition of all political police and concentration camps in every country.

ARTICLE 5

"Every one has the right to personal liberty".

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article II

Paragraph 1 - Every person has the right to personal liberty.

Cuba - No provision

Panama - No provision

B. Proposals

India

I. (a) Every human being is entitled to the right of liberty
including the right to personal freedom.

United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 11

There is no interference with personal liberty. No one is imprisoned or punished without an order in accordance with the Shariat or the appropriate laws. The practice of slavery is forbidden in Afghanistan. No male or female may keep any person as a slave.

Belgium, Constitution of

Article 7

Paragraph 1 - Individual liberty is guaranteed.

Byelorussian, Constitution of

Article 102

See the USSR Constitution Article 127

China, Constitution of

Article 8

1st paragraph - Freedom of person shall be guaranteed to the people.

/Czechoslovakia,

Czechoslovakia, Constitution of

Article 107

"1. Personal freedom shall be guaranteed..."

Ecuador, Constitution of

Article 187

"The State shall guarantee to the inhabitants of Ecuador:

...(3) personal freedom...."

Egypt, Royal Rescript No. 42

Article 4

The freedom of the individual is guaranteed.

El Salvador, Constitution of

Article 9

All inhabitants of El Salvador have an indisputable right to preserve their lives, liberty, and property, and to dispose freely of their goods in conformity with the law.

France, Declaration of the Rights of Man and of the Citizen Article 2

The purpose of all civil association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

Greece, Constitution of

Article 4

Personal liberty is inviolable....

Guatemala, Constitution of

Article 23

"...The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily..... liberty....."

Haiti, Constitution of

Article 5

The life and liberty of Haitians are sacred and must be respected by individuals and by the State.

Article 12

Individual liberty is guaranteed....

Iraq, Constitution of

Article 7

There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested,

/detained

detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Lebanon, Constitution of Article 8

Personal freedom shall be guaranteed and protected.

Luxemburg, Constitution of Article 12

The freedom of the individual is guaranteed.

Nicaragua, Constitution of Article 109

The State guarantees individual liberty. This may not be restricted unless in conformity with the law.

Poland, Constitution of Article 95

"The Republic of Poland guarantees on its territory, to all, without distinction of extraction, nationality, language, race, or religion, full protection of liberty..."

Siam, Constitution of Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association, and vocation.

USSR, Constitution of Article 127

"Citizens of the USSR are guaranteed inviolability of the person..."

Ukrainian Constitution Article 126

See Article 127 of the USSR Constitution.

Yugoslavia, Constitution of Article 28

Paragraph 1 - "Citizens are guaranteed inviolability of person."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 6

"No one shall be deprived of his personal liberty save by a judgment of a court of law, in conformity with the law and after a fair public trial at which he has had an opportunity for a full hearing, or pending his trial which must take place within a reasonable time after his arrest. Detention by purely executive order shall be unlawful except in time of national emergency."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XII

Every person accused of crime shall have the right to a fair public hearing of the case, to be confronted with witnesses, and to be judged by established tribunals and according to the law in force at the time the act was committed.

Cuba

Article 18

The right to trial without undue delay, to self defence.....

Panama (American Law Institute)

Article 7

Every one has the right to have his criminal and civil liabilities and his rights determined without undue delay by fair public trial by a competent tribunal before which he has had opportunity for a full hearing.

The state has a duty to maintain adequate tribunals and procedures to make this right effective.

B. Proposals

India - no provision

United States

II. (2)

Among the categories of rights which the United States suggests should be considered are the following.....
(b) procedural rights, such as safeguards for persons accused of crime.

/SECTION III

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 11

There is no interference with personal liberty. No one is imprisoned or punished without an order in accordance with the Shariat or the appropriate laws. The practice of slavery is forbidden in Afghanistan. No male or female may keep any person as a slave.

Brazil, Constitution of Article 141

25. Accused persons are assured of full defence, with all the means and resources essential to it, from the time of the charge of guilt, which, signed by a competent authority, with the names of the accuser and of the witnesses, shall be delivered to the prisoner within twenty-four hours.

The criminal instruction shall be contradictory.

26. There shall be no privileged court nor exceptional judges and tribunals.

Byelorussia, Constitution of Articles 102, 86, 87, 81

See Union of Soviet Socialist Republics, Constitution Articles 127, 110, 111, 103.

Chile, Constitution of Article 11

No one may be sentenced unless he is legally tried and by virtue of a law promulgated prior to the act upon which the sentence rests.

Article 12

No one may be tried by special commissions, nor otherwise than by the tribunal the law appoints and has previously constituted.

China, Constitution of Article 8

....No person may be tried or punished except by a law court in accordance with legal procedure. Any arrest, detention, trial or punishment, if conducted not in accordance with legal procedure may be refused.

Colombia, Constitution of Article 25

No one shall be obliged, in criminal, correctional, or police proceedings, to testify against himself or against his relatives within

/the fourth

the fourth civil degree of consanguinity or the second of affinity.

Article 24

An offender caught in flagrante delicto may be arrested and taken before a judge by any person. If the agents of the authority pursue him and he takes refuge in his own dwelling, they may enter it for the purpose of arresting him; but if he seeks asylum in the dwelling of another person, the consent of the owner or tenant thereof must be previously obtained.

Article 26

No one shall be tried except in conformity with laws antedating the offense with which he is charged, and before a competent tribunal, observing in full the forms proper to each case.

Article 27

The preceding provision shall not prevent the following persons from inflicting punishment, without previous trial, in the cases and within the exact limits established by law:

1st. Public officials exercising authority or jurisdiction, who shall have power to punish with fines or imprisonment any person who may injure or offend them with respect to an action that they may perform in discharging the functions of their office.

2nd. Military officers, who may inflict instant punishment to subdue insubordination or a military mutiny, or to maintain discipline in the presence of the enemy.

3rd. Captains of vessels, who have the same power, when not in port, to repress offenses committed on board their ships.

Costa Rica, Constitution of

Article 40

No one can be arrested without a proved indication of having committed a crime, and without a written order from a judge or authority in charge of public order; except when the defendant may be declared a fugitive from justice or a delinquent in flagrante delicto; but in every case he must be placed at the disposition of a competent judge within the definite period of twenty-four hours.

/Article 44

Article 44

No person can be subjected to prison for debt, except only in the case of legally proved fraud.

Cuba, Constitution of

Article 26

Persons under arrest, and political or social prisoners, shall be detained in compartments separate from common offenders, and shall not be subjected to any labour or to the penal regulations for common prisoners.

Article 27

Every detained person shall be placed at liberty or delivered to a competent judicial authority within twenty-four hours following the act of his detention.

Every detained person shall be released from custody, or committed to prison by a judicial writ, within seventy-two hours after having been placed at the disposition of a competent judge. Within the same period the detained person shall be notified of the writ issued.

Preventive imprisonment shall be maintained in places distinct and completely separate from those designed for the serving of sentences, and persons kept in said preventive imprisonment may not be subjected to any labour or to penal regulations designed for persons serving sentences.

Article 26

The penal process law shall establish the necessary guarantees that all guilt shall be proved independently by the testimony of the accused, of the spouse, and also of relatives within the fourth degree of consanguinity and second of affinity. All accused persons shall be deemed innocent until found guilty.

In all cases the authorities and their agents shall make a record of detention that shall be signed by the detained person, who will be notified of the authority ordering the detention, the reason for it, and the place to which the person in custody is to be conducted, placing an affidavit as to all these details in the record.

/Registration

Registration of detained persons and prisoners shall be open to public inspection.

Officials approaching or guarding a person in custody shall be liable for every act against the personal integrity, security, or honour of any detained person, unless such officials shall prove their innocence of such act. A subordinate may refuse compliance with orders that infringe upon this guarantee. A guard employing arms against a detained person or a prisoner attempting to escape, shall be accused and held responsible according to the laws, for the crime that may have been committed.

No person under arrest or imprisoned shall be held incommunicado.

Infractions of this provision shall be taken up only in ordinary jurisdiction, regardless of the place, circumstances, or persons involved in the detention.

Czechoslovakia, Constitution of

Article 107

2. No person shall be deprived of personal liberty or restricted in the enjoyment of the same except legal grounds.."

Article 94

2. No one shall be tried other than before his legal judge.

Article 95

4. Trial by jury may be temporarily suspended in cases provided for by law.

Ecuador, Constitution of

Article 94

In the event of imminent threat of foreign invasion or of international conflict or internal disturbance, the Executive shall apply to Congress...in order that...it may grant....some or all of the following Extraordinary Powers:

(8) to arrest any persons suspected of favouring foreign invasion or internal disturbance, or of participating in such; but within a maximum of six days, he shall place them at the disposal of the competent judge, with a report of the investigation made and other documents in justification of the arrest, or else he shall sentence them to imprisonment within the same six days...

(9) to imprison any persons suspected of favouring war, and of taking part in internal disturbance.."

/El Salvador,

El Salvador, Constitution of

Article 20

No person may be deprived of his life, or his liberty, or of his property without previously being heard and convicted in a trial in accordance with the laws; nor may anyone be prosecuted twice, civilly or criminally, for the same cause.

Article 28

Neither the Executive nor the Judiciary, nor any other authority, may issue orders of detention or imprisonment if they are not in conformity with the law. These orders must always be written, except in criminal matters, when the offender may be taken in flagrante delicto, in which case he may be detained by any person, to be delivered immediately to the respective authorities. Detention for inquiry shall not exceed forty-eight hours, and the investigating judge is obliged, within the said period, to order the liberty or the provisional arrest of the suspected person.

Article 39

Neither the Legislature nor the Executive, nor any tribunal, authority, or person, may restrict, alter, or violate the constitutional guarantees, without being subject to the responsibilities established by law. A law on the state of siege shall determine those that may be suspended and the cases in which the suspension may take place.

Ethiopia, Constitution of

Article 23

No Ethiopian subject may be arrested, sentenced or imprisoned, except as prescribed by law.

France, Declaration of the Rights of Man and of the Citizen

Article 9

Every man being counted innocent until he has been convicted, whenever his arrest becomes indispensable, all rigour more than is necessary to secure his person ought to be provided against by law.

Article 7

No one shall be accused, arrested or imprisoned save in the cases

/determined

determined by law and according to the forms which it has prescribed. All who solicit, promote, execute or cause to be executed arbitrary orders ought to be punished and every citizen summoned or apprehended by virtue of the law ought immediately to obey and becomes culpable if he resists.

Greece, Constitution of

Article 4

.....no man may be prosecuted, arrested, imprisoned, or otherwise confined, except when and as the law provides.

Article 5

Except when taken in the act, no man may be arrested or imprisoned without a judicial warrant stating the reason, which must be served at the moment of arrest or detention. Any person who is detained on being taken in the act or on a warrant of arrest must be brought without delay before the competent examining Judge within twenty-four hours of his arrest at the latest, or, if the arrest occurred beyond the limits of the district of the examining Judge, within the time absolutely necessary for his conveyance. The examining Judge, must, within at the most three days of his appearance, either release the person arrested or deliver a warrant for his imprisonment. In the event of either of these terms having passed without such action, every gaoler or other person, civil or military, charged with the detention of the arrested person must release him instantly. Those who violate the above provisions are punished for illegal detention, and are obliged to make good any loss sustained by the injured party, and further to indemnify him a sum of money fixed at the discretion of the Judge, but never less than 10 drachmas per diem.

Guatemala, Constitution of

Article 47

Sentence of imprisonment may not be issued without previous summary information of a crime having been committed and the presence of a sufficient motive, according to the law, for the belief that the person detained is guilty.

Article 43

No one may be detained or imprisoned except by reason of crime, offense,
/or judicial

or judicial restraint, and by means of a written order by a competent authority issued in accordance with the law...but the detained person must be placed without delay at the disposal of a judicial authority and in centres of provisional detention....."

Haiti, Constitution of

Article 12

No person may be prosecuted, arrested or detained except in the cases provided for and in accordance with the procedure prescribed by law.

Furthermore, arrest and detention shall only take place on the warrant of a legally authorized official.

For such warrant to be executed:

- (1) It must formally state the reason for detention and the provision under the law which punishes the alleged act;
- (2) It must be served on the person concerned and a copy of it left with him at the time of his detention, except in cases of flagrante delecto.

No person may be kept in custody unless he has been brought within forty-eight hours after arrest before a judge authorized to decide the question of the legality of arrest. Such jurisdiction shall be organized by the law.

All unnecessary harshness or constraint in apprehending a person or keeping him in custody, as well as all moral pressure or physical violence, especially during interrogation, are prohibited.

All violations of this provision are arbitrary acts against which the injured parties may, without previous authorization, appeal to the competent courts and prosecute those authorizing or committing the said acts, whatever may be their rank and duties.

Honduras, Constitution of

Article 35

Detention for inquiry shall not exceed six days.

Article 36

Persons arrested and held incommunicado shall not be held for more than forty-eight hours.

/Article 37

Article 37

An order for detention in prison shall not be issued without previous full proof that a crime or simple offense meriting the penalty of deprivation of liberty has been committed, and without a rational suspicion of its author. The declaration of the criminal shall be made in the same manner.

Article 38

Imprisonment for debts is prohibited except when fraud is present.

Article 39

Imprisonment or arrest is permitted as punishment, or as a detainer, in the cases and for the terms established by law. The detention may not exceed thirty days.

Article 40

An offender caught in flagrante delicto may be apprehended by any person in order to deliver him to the proper authority.

Article 41

No person shall be imprisoned or detained except in places established by law. Jails shall serve only for the safekeeping of indicted persons of those serving terms of punishment.

Article 42

No person shall be brought to a jail or detained therein, even with an order of arrest, if he presents sufficient bond, when the offense committed does not carry a penalty of more than three years.

Article 56

The laws shall fix the order and form of procedure in civil and criminal matters.

Iran, The Supplementary Fundamental Laws

Article 12

No punishment can be decreed or executed save in conformity with the law.

Liberia, Constitution of

Article I
Section 9

No place shall be searched, nor person seized on a criminal charge, or
/suspicion, unless

suspicion, unless upon warrant lawfully issued, upon probable cause supported by oath, or solemn affirmation, specially designating the place or person, and the object of the search.

Article I
Section 10

Excessive bail shall not be required nor excessive fines imposed, nor excessive punishments inflicted. Nor shall the Legislature make law impairing the obligation of contracts; nor any law rendering any act punishable in any manner in which it was not punishable when it was committed.

Article I
Section 20

That all prisoners shall be bailable by sufficient sureties; unless for capital offenses, when the proof is evident, or presumption great; and the privilege and benefit of the writ of habeas corpus shall be enjoyed in this Republic, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Mexico (United Mexican States) Constitution of

Article 16

No order of apprehension or detention shall be issued, except by judicial authority, without being preceded by a denunciation, accusation, or complaint of a specific act which the law penalizes by corporal punishment nor without the same being substantiated by an affidavit, under oath, made by some trustworthy person, or by other evidence showing the probable guilt of the accused; exception is made in cases in flagrante delicto, in which any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities. Only in urgent cases, when there is no judicial authority available in the district, and involving offenses officially prosecuted, may the administrative authority, under its strictest accountability, order the detention of the accused, placing him immediately at the disposal of the judicial authority...

Article 17

No person may be imprisoned for debts of a purely civil character....

Article 19

No detention may exceed the term of three days without being authorized by a formal warrant of penal arrest in which shall be specified; the offense imputed to the accused; the elements constituting it; the place, time, and circumstances of its commission, and the facts that brought forth the previous investigation, which should be sufficient to prove the substance of the offense and show the probable guilt of the accused. The authority ordering the detention or consenting to it, and the agents, ministers, wardens, and guards executing it, shall be responsible for the violation of this provision...

Article 21

The imposition of penalties is the strict and exclusive right of the judicial authorities. The prosecution of crimes concerns the Public Ministry and the judicial police, the latter being under the immediate authority and command of the former. The administrative authority has jurisdiction in punishing violations of governmental and police regulations, which punishment shall consist only of a fine or arrest of not more than thirty-six hours; but should the offender not pay the fine that may have been imposed, his punishment shall be changed to a corresponding arrest that in no case may exceed fifteen days.

Should the offender be a day labourer or a workman, he shall not be punished by a fine greater than the amount of his weekly wage or salary.

Netherlands, Constitution of

Article 158

Except in cases determined by the law, no person may be arrested otherwise than under an order of the judge, stating the reasons for the arrest. This order must be served on the person against whom it is directed, either at the moment of arrest or immediately afterwards. The form of this order and the time within which all arrested persons must be heard shall be fixed by law.

Nicaragua, Constitution of

Article 221

When the Republic finds itself involved in an international war or in an /internal civil war,

internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

1st. The inviolability of human life.

2nd. The prohibition against being tried by judges not recognized by the law.

3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.

4th. The prohibition against retroactive or confiscatory laws; and

5th. The levying of taxes

Article 110

No one may be detained except by a written order from a public official expressly empowered by law.

In cases in flagrante delicto, the offender may be arrested by any private individual in order to turn him over to a competent authority or court.

Every order of detention that does not emanate from a competent authority, or that has not been issued with legal formalities, is punishable.

Article 111

Every detained person must be set at liberty or delivered to a judicial authority within twenty-four hours following the act of detention, exclusive of the extra time it takes to cover the distance for such delivery, according to the case.

Article 114

No order of imprisonment may be issued without full proof that an act has been committed that calls for a greater penalty than a purely correctional one, and without at least grave presumption that the party to be imprisoned is guilty.

Article 115

When the offense for which one is being tried does not call for imprisonment for more than two years, the judges may place the defendant at liberty by means of a bond, in accordance with the law.

Article 116

Every detention for investigation shall cease to have effect, or shall be changed to imprisonment, within ten days after the person detained has been delivered to a competent court.

Article 117

Every restriction of personal liberty for debts or purely civil obligations is prohibited, unless it be by judicial agreement or bond in the cases and for the period that the law prescribed.

Article 118

The State guarantees the right of habeas corpus. Any person illegally detained or threatened with detention by virtue of an arbitrary order, or any other inhabitant of the Republic, acting for him, may invoke orally or by writing before a competent tribunal recourse to the writ of habeas corpus in order that the person apprehending shall, in such case, present the one detained and shall immediately explain and justify the legal cause for detention or threat of detention, conforming to what the tribunal decides in the matter.

Article 221

This decree will be repealed when the reasons for its existence are removed, and the Executive must without delay give an account of his actions to the Congress.

The restriction of guarantees will in no way affect the functioning of the public organs of the Nation, and their members will always enjoy the prerogatives granted them by the law.

/The President

The President of the Republic and the Secretaries of State will be responsible when they declare a suspension or restriction of the constitutional order without the circumstance having occurred that will justify it; and they will be responsible, along with any other officials, for any abuse they may have committed in the exercise of the powers granted in this article.

In case of foreign war, the Executive, by the same decree in which the exercise of the constitutional guarantees is restricted or suspended, will call the Congress to meet within the following thirty days; and, in case he does not call it, the Congress may meet by its own right.

Norway, Constitution of

Article 99

No one may be arrested and committed to prison except in the cases determined by law and in the manner prescribed by the laws. For unjustifiable arrest and illegal detention the officer concerned shall be responsible to the person imprisoned.

Panama, Constitution of

Article 22

No one may be deprived of his liberty except by virtue of a written order by a competent authority, issued in accordance with the legal formalities and for a reason previously defined in the law. The executors of said order are obliged to give a copy of it to the interested party, provided he requests it.

A delinquent surprised in flagrante delicto may be apprehended by any person and must be delivered up immediately to the authorities.

No one may be detained more than twenty-four hours without being placed under the orders of a competent authority. Members of the police who may violate this precept have as a penalty the immediate loss of their office, without prejudice to the penalties that the law may establish for the purpose.

/There is no

There is no imprisonment, detention, or arrest for purely civil debts or obligations.

Article 24

Every individual detained apart from the cases and the form that this Constitution and the law may prescribe will be placed at liberty on his petition or that of any other person. For this purpose the law will regulate the recourse of habeas corpus by means of a summary judicial proceeding and without consideration of the applicable penalty.

Peru, Constitution of

Article 56

No one may be detained save by written order authorized by a competent judge or by the authorities charged with preserving public order, excepting cases of crimes in flagrante delicto, with the stipulation in every case that the detained person be placed, within twenty-four hours, or within the limits of the distance, at the disposal of the corresponding court, which shall either order his release or order a prison sentence for the period that the law stipulates

Article 58

There is no detention for debts.

Article 69

All of the individual and social rights recognized by the Constitution are open to the action of habeas corpus.

Philippines, Constitution of

Article III
Section 1. (12)

No person shall be imprisoned for debt or non-payment of a poll tax.

Article III
Section 1. (16)

All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

Article III
Section 1. (14)

The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during

/such period

such period the necessity for such suspension shall exist.

Poland, Constitution of

Article 98

No one may be deprived of the court to which he is subject by law. Exceptional courts are admissible only in cases determined by statutes, which statutes must have been issued before the offence was committed.

Sweden, Constitution of

Article 16

The King....shall not deprive anyone or allow anyone to be deprived of... personal liberty...without legal trial and sentence.

Syria, Constitution of

Article 9

No offence shall be punished and no conviction may be pronounced, except in conformity with the law.

Article 10

No person shall be tried except before the courts prescribed by the law.

Turkey, Constitution of

Article 86

In the event of a war, rebellion or in the case of convincing evidence of a positive and serious conspiracy against the country and the Republic, the Council of Ministers may proclaim partial or general martial law on condition that this does not exceed one month and that this measure is submitted without delay to the Grand National Assembly for approval. The Assembly, may, if deemed necessary, extend or reduce the duration of martial law. Should the Assembly not be in session, it shall be convened immediately.

The prolongation of Martial Law is subject to the decision of the Grand National Assembly. Martial Law implies the temporary restriction or suspension of personal and residential immunity, of inviolability of correspondence, of the freedom of the press, and of the right of assembling and associating. The area over which Martial Law may be proclaimed, the application of the provisions of this regulation over the said area, as well as the mode of restriction or suspension of immunity, and freedom in time of war is determined by law.

/Uruguay, Constitution

Uruguay, Constitution of

Article 26

Judges may place the accused at liberty at any stage of a criminal trial from punishment by imprisonment is not likely to result, provided he gives bond according to law.

Article 15

No person shall be arrested unless taken in flagrante delicto or with partial proof on written order of an authorized judge.

Article 16

In either of the cases of the previous article, the judge, under the strictest responsibility, shall take the declaration of the accused within twenty-four hours and shall return an indictment within not more than forty-eight hours. The declaration of the accused shall be taken in the presence of his defender. The latter shall also have the right to be present at all of the summary judicial proceedings.

Article 12

No person shall be punished or confined without a legal form of trial and sentence.

Article 51

No person shall be deprived of liberty because of debts.

Article 30

Individual security may not be suspended except with the compliance of the General Assembly or the permanent committee, in case the former has been dissolved or is in recess, and in the extraordinary case of treason or conspiracy against the Fatherland; and then it shall be instituted only for apprehension of the offenders, without prejudice to the provision of Clause 18 of Article 157.

Union of Soviet Socialist Republics, Constitution of

Article 127

"....no person may be placed under arrest except by decision of a court or with the sanction of a procurator."

/Article 110

Article 110

"Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court."

Article 111

"In all courts of the Union of Soviet Socialist Republics cases are heard in public, unless otherwise provided for by law, and accused is guaranteed the right to be defended by Counsel."

Article 103

"In all courts cases are tried with the participation of people's assessors, except in cases specially provided for by law."

Ukraine, Consitution of

Articles 126, 109, 110 and 103

See Union of Soviet Socialist Republics; Constitution - Articles 127, 110, 111, 103.

Yugoslavia, Constitution of

Article 28

No person may be punished for a criminal act except by sentence of a competent court on the basis of the law establishing the competence of the court and defining the offence.

Article 28 (paragraph 5)

No person, if within the reach of the State authorities, may be tried without being given a lawful hearing and duly invited to defend himself.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if

/(e) Freedom

(e) Freedom from the terror of secret police surveillance, arrest or torture. This can be assured only through the abolition of all political police and concentration camps in every country.

Article 11

Freedom from arbitrary arrest, detention, search and seizure; proper judicial determination of arrest and charges; a fair public trial by jury or competent and unprejudiced court constituted in accordance with normal judicial procedure, right of habeas corpus and freedom from arbitrary imposition of penalties.

ARTICLE 7

"Every one shall be protected against arbitrary and unauthorized arrest. He shall have the right to immediate judicial determination of the legality of any detention to which he may be subject."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

None

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declaration

Chile (Inter-American Juridical Committee) Article XI

Every person accused of crime shall have the right not to be arrested except upon warrant duly issued in accordance with the law, unless the person is arrested flagrante delicto. He shall have the right to a prompt trial and to proper treatment during the time he is in custody.

Cuba Article 19

The right to immunity from arbitrary arrest and to a review of the regularity of his arrest by ordinary tribunals.

Panama (American Law Institute) Article 8

Every one who is detained has the right to immediate judicial determination of the legality of his detention.

The state has a duty to provide adequate procedures to make this right effective.

B. Proposals

India - No provision

United States of America - No provision

SECTION III. NATIONAL CONSTITUTIONS

Belgium, Constitution of Article 7 (paragraph 3)

Except in the cases of flagrant offense no one may be arrested without warrant issued by a magistrate, which ought to be shown at the time of arrest, or at the latest within twenty-four hours thereafter.

Bolivia, Constitution of Article 7

No person shall be arrested, detained, or imprisoned ~~except~~ in the

/cases

cases and according to the forms established by law.

For the execution of an order of arrest, it is required that the latter shall be issued by the proper authority and be recorded in writing.

Article 8

Every person who believes he is illegally arrested, prosecuted, or imprisoned, may himself or by means of some other person in his name, with or without power of attorney, have recourse to the superior court of the district or to the corresponding judge, as he prefers, to require that the legal formalities be preserved. The judicial authority shall decree immediately that the individual be brought to his presence and his decree shall be obeyed, without objection or excuse, by those in charge of the jail or place of detention. Informed of the antecedents, the judicial authority shall decree his liberty and have the legal proceedings complied with or shall place the individual at the disposal of the proper judge within twenty-four hours. The decision that is pronounced shall be subject to an appeal of annulment before the Supreme Court of Justice, an appeal that shall not suspend execution of the sentence.

Public officials or private individuals who resist the judicial decisions in the cases covered by this article shall be guilty at all times of offense against constitutional guarantees, and the plea of having obeyed superior orders shall not serve as an excuse.

Brazil, Constitution of

Article 141

No. 20. No one shall be imprisoned except in flagrante delicto or, by written order of a competent authority, in the cases expressed in the law.

No. 21. No one shall be taken to prison or detained therein if, when the law permits, he offers bond.

No. 22. The imprisonment or detention of any person shall be immediately communicated to a competent judge, who, if it should not be legal, shall give release, and, in the cases provided for by law, shall

/hold the

hold the restraining authority responsible.

No. 32. There shall be no civil imprisonment for debt, fines, or costs, except in case of failure to fulfill one's obligation to feed his dependents or of unfaithful bondsman, provided for by law.

No. 23. Habeas corpus shall be given whenever anyone shall suffer or be threatened with suffering violence or restraint in his freedom of movement, by illegality or abuse of power. Habeas corpus shall not apply in disciplinary transgressions.

No. 24. Mandate of security shall be granted to protect clear and certain rights not covered by habeas corpus, whatever may be the authority responsible for the illegality or abuse of power.

Byelorussia, Constitution of

Article 102

See Union of Soviet Socialist Republics Constitution Article 127.

Chile, Constitution of

No one may be arrested except by the order of a public official expressly empowered by law, and after such order has been made known to him, in legal form; unless he is surprised in flagrante delicto, and in this same case for the sole purpose of being conducted before the proper judge.

No one may be arrested, subjected to preventive detention, or imprisoned except in his house or in public places intended for this purpose.

Those in charge of prisons cannot receive in them anyone in the character of arrested, indicted, or imprisoned persons without transcribing in their registers the corresponding order, issued by an authority having legal power. They may, nevertheless, receive within the precincts of the prison for detention those brought for the purpose of being presented before the proper judge, but with the obligation of giving an account to the latter within twenty-four hours.

Article 16

Every individual who may be arrested, indicted, or imprisoned in violation of the provisions of the foregoing articles may apply, for himself or by anyone in his name, to the judicial authority designated by law, demanding that the legal formalities be observed. This judicial authority shall decree that the individual be brought to his presence and his decree shall be exactly obeyed by all those having charge of prisons and places of detention. Informed of the antecedents, he shall declare his immediate liberty, or cause the legal defects to be corrected, or place the individual at the disposition of the proper judge; in all, proceeding briefly and summarily, himself correcting the defects or pointing them out to whomever it falls to correct them.

Article 15

In case an authority orders the arrest of any person, he must, within the forty-eight hours following, give a report to the proper judge, placing at his disposal the person detained.

Article 17

No order of incommunication shall prevent the official in charge of a house of detention from visiting the detained, indicted, or imprisoned person who is located in it.

This official is obliged, provided that the person arrested so requires, to transmit to the proper judge a copy of the order of arrest, or make demand that he be given said copy, or himself give a certificate that such a person is arrested, if, at the time of his arrest, this requirement was omitted.

Article 19

One who is not answerable for an offense to which the law attaches corporal punishment shall not be detained or subjected to preventive imprisonment if he is sufficiently bonded personally, or in indemnification of the action, in the form and according to the nature of the cases

/determined

determined by law.

Article 20

Every person, in favour of whom sentence of acquittal is rendered or prosecution finally abated, shall have the right to indemnification in the form determined by law, for the pecuniary or merely moral injuries that he may have unjustly suffered.

China, Constitution of

Article 8 (paragraph 1)

No person may, except in case of flagrante delicto as otherwise provided for by law, be arrested or detained except through a judicial or a police organ in compliance with legal procedure....

Article 8 (paragraph 2)

When a person is arrested or detained on suspicion of having committed a crime, the organ responsible therefore shall in writing inform the said person and his designated relatives or friends of the reason for the arrest or detention, and shall, within twenty-four hours, turn him over to a competent court for trial. The said person, or any other person may petition the competent court to demand from the organ concerned the surrender, within twenty-four hours, of the said person to the court for trial.

Article 8 (paragraph 3)

The court may not reject the petition mentioned in the preceding section, nor shall it order the organ concerned to make an investigation and report first. The organ concerned may not refuse to execute or delay in executing the writ of the court for surrender of the said person for trial.

Article 8 (paragraph 4)

When a person is arrested or detained illegally he or any other person may petition the court for investigation. The court may not reject such petition, and shall, within twenty-four hours, make the investigation with the organ concerned, and proceed with the case in accordance with law.

/Colombia

Colombia, Constitution of

Article 23

In no case shall detention, imprisonment, or arrest be made for purely civil debts or obligations, except by judicial decision.

No one shall be molested in his person or his family, imprisoned, arrested, or apprehended, or have his domicile searched, except by virtue of a written warrant from a competent authority, **with** all legal formalities, and for an offense previously defined in the law.

Costa Rica, Constitution of

Article 41

Every inhabitant of the Republic has the right of habeas corpus.

Cuba, Constitution of the Republic of

Article 29

Any person detained or imprisoned under circumstances not foreseen in the Constitution and the laws, and without the formalities and guarantees provided by them, shall be placed at liberty upon his own petition or upon the petition of any other person, without the necessity of power or direction of an attorney, by means of summary proceedings of habeas corpus before the ordinary tribunals of justice.

The tribunal may not decline jurisdiction or admit question as to competence in any case or for any reason, or defer its decision, which shall have preference over all other matters.

The presentation of every detained or imprisoned person before the tribunal issuing the writ of habeas corpus is absolutely obligatory, regardless of the authority or official, person or body, holding custody of said detained person, and said authority is without power to deny obedience to said writ.

All provisions that may impede or retard the appearance of a person deprived of his liberty, as well as any provisions causing delay in the habeas corpus proceedings, shall be null and shall be so declared by the office of the judicial authority.

In case the person detained or imprisoned should not be brought before the tribunal granting the writ of habeas corpus, the latter shall order the

/arrest

arrest of the detaining officer, who shall be judged in accordance with the provisions of the law.

Judges or magistrates who refuse to admit application for the writ of habeas corpus, or who do not comply with the other provisions of this article, shall be dismissed from their respective offices by the chamber of government of the Supreme Tribunal.

Denmark, Constitution of

Article 78

Every person placed under arrest shall be brought before the judge within twenty-four hours. If the arrested person cannot be set at liberty immediately the judge shall decide, on the basis of a duly substantiated order which is to be submitted as soon as possible and within three days at the latest, whether he is to be detained in custody, and, in case he may be released on bail, the nature and amount of the bail.

Appeal against the judge's verdict may at once be filed separately with a higher court by the party concerned.

No person may be imprisoned in the second division for an offense which is subject only to the penalty of a fine or imprisonment in the first division.

Dominican Republic, Constitution of

Article 6

12th....e) each person deprived of his liberty without cause or without legal formalities, or outside of the cases foreseen by the laws, will be placed immediately at liberty at his request or at that of some other person. The law will determine the manner of proceeding summarily in this case.

(d) each person deprived of his liberty will be submitted to a competent judge or tribunal within forty-eight hours of his arrest, or placed at liberty. Each arrest will be left without effect or will be changed to imprisonment within forty-eight hours of having submitted the arrested person to the competent judge or tribunal, having notified the person concerned, within the same time, the judgement that is issued to this end;....

/(b) no one

(b) no one may be sentenced to prison or restricted in his liberty without an order issued and written by a competent judicial official, except in cases in flagrante delicto;....

Individual security. Therefore: (a) bodily restraint for a debt that does not arise from fraud or violation of penal laws will not be permitted;....
Ecuador, Constitution of Article 187

"The State shall guarantee to the inhabitants of Ecuador:

...4) the right of habeas corpus. Save in cases of flagrante delicto, police contravention or military offense, no one may be detained, arrested or imprisoned without a warrant signed by the competent authority stating the motive, which must be one specified by law..."

Egypt, Royal Recript No. 42 Article 5

No person may suffer arrest and detention, save in accordance with the provisions of the law.

Greece, Constitution of Article 6

In the case of political offenses, the Council of the Judges of the Court of Misdemeanors can always, on the demand of the person detained allow his release under bail fixed by a judicial order, against which an appeal is allowed. In the case of these offenses, preliminary detention can never be prolonged beyond three months.

Haiti, Constitution of Article 12

Individual liberty is guaranteed.

No person may be prosecuted, arrested or detained except in the cases provided for and in accordance with the procedure prescribed by law.

Furthermore, arrest and detention shall only take place on the warrant of a legally authorized official.

For such warrant to be executed:

(1) It must formally state the reason for detention and the provision under the law which punishes the alleged act;

(2) It must be served on the person concerned and a copy of it left

/with him

with him at the time of his detention, except in cases of flagrante delicto.

No person may be kept in custody unless he has been brought within forty-eight hours after arrest before a judge authorized to decide the question of the legality of arrest. Such jurisdiction shall be organized by the law.

All unnecessary harshness or constraint in apprehending a person or keeping him in custody, as well as all moral pressure or physical violence, especially during interrogation, are prohibited.

All violations of this provision are arbitrary acts against which the injured parties may, without previous authorization, appeal to the competent courts and prosecute those authorizing or committing the said acts, whatever may be their rank and duties.

Honduras, Constitution of

Article 32

The Constitution recognizes the guarantee of habeas corpus. In consequence, any person illegally detained, or any other person in his name, has the right to appeal to the respective tribunal verbally or in writing, requesting the exhibition of the person detained.

Article 34

An order of arrest not issued by a competent authority, or one issued without the legal formalities required, is contrary to law.

Iceland, Constitution of

Article 65

Anyone who is arrested must without delay be brought before a judge, and should he not be discharged immediately, the judge shall decide within twenty-four hours, giving his reasons for the finding, whether the person arrested shall be imprisoned. Should it be possible to liberate him on bail, the nature and the amount of the security shall be decided in the award. Appeal can at once be made against the judge's award to a higher court; with regard to notification and appeal the procedure is the same as in criminal cases.

/No one can be

No one can be kept under remand for an offense which only incurs a fine or ordinary imprisonment.

Iran, The Supplementary Fundamental Laws of

Article 10

No one can be summarily arrested, save flagrante delicto in the commission of some crime or misdemeanour, except on the written authority of the President of the Tribunal of Justice, given in conformity with the law. Even in such case the accused must immediately or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offense.

Lebanon, Constitution of

Article 8

..No person may be arrested or kept in custody except in accordance with the law...

Liberia, Constitution of

Article 1

Section 9. No place shall be searched, nor person seized on a criminal charge, or suspicion, unless upon warrant lawfully issued, upon probable cause supported by oath, or solemn affirmation, specially designating the place or person, and the object of the search.

Luxemburg, Constitution of

Article 12

Paragraph 3. Except in cases of flagrante delicto, no person may be arrested save under a warrant stating the reason for arrest and issued by the court, which must be served on the person concerned at the time of arrest or not later than twenty-four hours thereafter.

Paraguay, Constitution of

Article 26

...No one may be...arrested except by virtue of a written order by a competent authority, or be detained more than twenty-four hours without being informed of the reason for his detention, or be detained except in his own house or in public places intended for that purpose. The recourse of habeas corpus is guaranteed to all inhabitants. The law considers anyone innocent who may not have been declared guilty, or legally suspected of so being by decree of a competent judge.

/Poland,

Poland, Constitution of

Article 97

Paragraph 1. Limitations of personal liberty, especially search of person and arrest, are admissible only in cases prescribed by law, and in the manner defined by statutes, by virtue of an order from judicial authorities.

Paragraph 2. In case a judicial order cannot be issued immediately, it should be served, at the latest, within forty-eight hours, with a statement of the reasons of the search or arrest.

Paragraph 3. Arrested persons who have not been served within forty-eight hours with a written statement of the cause of the arrest, signed by a judicial authority, regain their freedom at once.

Article 124

"A temporary suspension of citizen's rights of personal liberty (Article 97)...may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety..."

Syria, Constitution of

Article 7

Personal freedom shall be guaranteed. No person may be arrested or kept in custody, except in cases determined by the law and in observance of the forms prescribed by it.

Article 8

Every person who is arrested or detained in custody shall be informed within twenty-four hours of the grounds for such detention or arrest, and of the authority at whose instance it has been carried out; and such persons shall, within the same period, be accorded all possible facilities for preparing their defense.

Turkey, Constitution of

Article 72

No individual shall be seized or arrested under any other circumstance or manner than that provided by law.

Ukraine, Constitution of

Article 127

See the Union of Soviet Socialist Republics Constitution Article 127.

/Union of Soviet

Union of Soviet Socialist Republics, Constitution of

Article 127

"...No person may be placed under arrest except by decision of a court or with the sanction of a procurator."

United States, Constitution of

6th Amendment - In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defense.

4th Amendment - ... and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article 1, Section 9, clause 2 - The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Uruguay, Constitution of

Article 17

In case of illegal arrest, the interested party or any other person may address an appeal of habeas corpus to the authorized judge in order that the apprehending authority may immediately explain and justify the legal cause of detention submitting it to the decision of the afore-mentioned judge.

Yugoslavia, Constitution of

Article 28

Paragraph 2. "No person may be detained under the arrest for longer than three days without written and motivated decision of a court of law or of a public prosecutor. The longest period of arrest is determined by law."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor - No provision.

ARTICLE 8

Slavery and compulsory labour are inconsistent with the dignity of man and therefore prohibited by this Bill of Rights. But a man may be required to perform his just share of any public service that is equally incumbent upon all, and his right to a livelihood is conditioned by his duty to work. Involuntary servitude may also be imposed as part of a punishment pronounced by a court of law.

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Cassin (France):

".....it is our fundamental right to say in our Charter, in our Bill of Human Rights, that slavery is a shame on the head of humanity and that we will not suffer it".*

Mr. Dukes (United Kingdom):

".....we talk about the right to work, well, it has been found exceedingly difficult to implement the right to work without placing the obligation to work on unemployed members of the community.....

.....I see difficulty in making any attempts to provide or to place on a country the obligation to provide for the right to work, if that right is to be implemented only on one side. What is to happen in the case of the individual who may decline, and, assuming that he is in a state of penury? Is he to have the right to throw his economic burden upon the state without his having any obligation to the State within which he claims, alternatively, either the work or the right to absent himself from work?"**

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article II (paragraph 5)

The right of the state to call upon the services of the individual in time of emergency or to meet the necessities of national defense shall not be regarded as a limitation upon the fundamental right to personal liberty, but merely as a temporary restriction operating during the existence of the national need.

* H.R. Com. - 1st session - 13th meeting - p. E-95

** H.R. Com. - 1st session - 14th meeting - p. E-20

(paragraph 6)

No person shall be imprisoned or held in servitude in consequence of the mere breach of contractual obligations.

Article XIV (paragraph 5)

The state has the right, in time of emergency, to call upon the services of the individual in cases where such services are necessary to meet an urgent public need.

Cuba - No provision

Panama - No provision

B. Proposals

India - No provision

United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 11

There is no interference with personal liberty. No one is imprisoned or punished without an order in accordance with the Shariat or the appropriate laws. The practice of slavery is forbidden in Afghanistan. No male or female may keep any person as a slave.

Article 18

Levies of money and forced labour are prohibited, except during time of war.

Argentina, Constitution of

Article 15

In the Argentine Nation there are no slaves; the few that exist today are free from the promulgation of this Constitution; and a special law shall regulate whatever indemnifications to which this declaration may give rise. Any contract for the purchase or sale of persons is a crime for which those committing it, and the notary or officer authorizing it, shall be responsible. And slaves, whatever the manner in which they shall be introduced, shall be free by the mere fact of setting foot on the territory of the Republic.

Article 21

Every Argentine citizen is obliged to arm himself in defense of the Fatherland and of this Constitution, in accordance with whatever laws the

/Congress

Congress shall enact for the purpose and with the decrees of the National Executive. Citizens by naturalization are free to render this service or not for a term of ten years counting from the date on which they obtain their letters of citizenship.

Bolivia, Constitution of 28 October 1938

Article 5

Slavery does not exist in Bolivia.

No kind of servitude is recognized and no person shall be obliged to render personal service without just retribution and without his complete consent.

Personal services shall be exacted only as they may be established by the laws.

Byelorussia, Constitution of

Article 12 and Article 107

See the Union of Soviet Socialist Republics Constitution, Article 12 and Article 132.

Chile, Constitution of 18 September 1925

Article 10

The Constitution insures to all the inhabitants of the Republic:

1st In Chile there are no slaves, and he who sets foot upon its territory becomes free. The slave traffic may not be engaged in by Chileans. The alien who does so cannot live in Chile nor be naturalized in the Republic.

China, Constitution of

Article 20

The people shall have the duty of performing military service in accordance with law.

Colombia, Constitution of 4 August 1886

Article 22

There shall be no slaves in Colombia. Any slave who sets foot on the territory of the Republic shall be free.

Costa Rica, Constitution of

Article 27

All men are free in the Republic; he who is under the protection of its laws cannot be a slave.

/Czechoslovakia,

Czechoslovakia, Constitution of

Article 107

"2..... Public authorities can demand personal services from a citizen only on legal grounds."

Article 127

1. Every able-bodied citizen of the Czechoslovak Republic shall undergo military training and shall obey the summons when called upon for the defence of the State.

Denmark, Constitution of

Article 88

Every able-bodied man is obliged to contribute his personal services in the country's defence in accordance with the detailed regulations specified by law.

El Salvador, Constitution of

Article 10

Every man in the Republic is free. No one who enters its territory shall be a slave, nor can anyone who deals in slaves be a citizen.

El Salvador, Constitution of

Article 15

No one shall be obliged to give work or personal services without just compensation and without his full consent, except for reasons of public necessity or utility established by law.

The law cannot authorize any act or contract that may have for its object the loss or irrevocable sacrifice of the liberty of man whether by reason of work, education, or religious vows.

Nor can it authorize agreements in which a man contracts his proscription or exile.

Greece, Constitution of

Article 13

In Greece human beings may neither be bought nor sold; a slave, purchased or otherwise, of every race and every religion, is free from the time he sets foot on Greek soil.

Iceland, Constitution of

Article 75

Every able-bodied man is bound to take personal part in the defence of the country according to the detailed regulations which may be laid down by law.

/ Iraq,

Iraq, Constitution of 21 March 1925

Article 10

(3) Unpaid forced labour are absolutely forbidden.

Liberia, Constitution of

Article 1

Section 4. There shall be no slavery within the Republic. Nor shall any citizen of this Republic, or any person resident therein, deal in slaves, either within or without this Republic, directly or indirectly.

Mexico (United Mexican States) Constitution of

Article 2

Slavery is prohibited in the United Mexican States. Slaves from abroad who enter the national territory shall by this act alone acquire liberty and the protection of the laws.

Article 5

No person may be obliged to render personal labour without just compensation and without his full consent, except labour imposed as punishment by judicial authority; such work shall be regulated by the provisions set forth in Fraction I and II (i.e., 1st and 2nd Clauses) of Article 123.

In regard to public services, only military and jury duty, as well as the discharge of compulsory public offices and those directly or indirectly subject to popular election, may be obligatory in the manner established by the respective laws. Electoral and census functions are obligatory and uncompensated; professional services of a social nature shall be obligatory and are compensated in the manner and with the exceptions indicated by law

..... Nor shall any contract be permitted whereby a man agrees to his own proscription or exile, or in which he temporarily or permanently renounces the practice of any definite profession, industry, or commerce.

A labour contract shall call only for the performance of a specified service for the time fixed by law, and may not exceed one year to the injury of the worker, and in no sense may it be extended to the forfeiture, loss, or impairment of any political or civil rights.

/Failure

Failure on the part of the worker to comply with said contract shall oblige him only for the corresponding civil responsibility and in no case may his person be subject to coercion.

Netherlands, Constitution of

Article 181

All Netherlands subjects who are able shall be bound to collaborate for the maintenance of the independence of the Realm and for the defence of its territory.

This obligation may also be laid upon inhabitants who are not Netherlands subjects.

Norway, Constitution of

Article 109

Every citizen of the state shall, as a general rule, for a certain time, be liable to military service, without regard to birth or fortune.

The application of this principle and the restrictions it may become subject to, shall be determined by law.

Paraguay, Constitution of 10 July 1940

Article 24

No personal service is mandatory except by virtue of law

Article 33

..... There are no slaves in the Republic of Paraguay.

Peru, Constitution of the Republic of

Article 55

No one may be obliged to give personal labour without his free consent and without just recompense.

Philippines, Constitution of the (Bill of Rights)

Article III

Section 1. (13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

Poland, Constitution of

Article 97

(Par. 4) The means of compulsory service by which the administrative authorities may enforce their orders are determined in statutes.

Article 91

"All citizens are subject to military service ..."

/Turkey,

Turkey, Constitution of

Article 73

Torture, bodily mistreatment, confiscation and forced labour are prohibited.

Ukraine, Constitution of

Article 12 and Article 131

See the Union of Soviet Socialist Republics Constitution, Article 12 and Article 132.

Union of Soviet Socialist Republics, Constitution of

Article 12

"In the Union of Soviet Socialist Republics work is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle:

'He who does not work, neither shall he eat.'

The principle applied in the Union of Soviet Socialist Republics is that of socialism:

'From each according to his ability, to each according to his work.'"

Article 132

"Universal military service is law. Military service in the Workers' and Peasants' Army is an honorable duty of the citizens of the U.S.S.R."

United States of America, Constitution of

Article

13th Amendment, Sect. 1 - Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Yugoslavia, Constitution of

Article 32

"It is the duty of every citizen to work according to his abilities; he who does not contribute to the community cannot receive from it."

Article 34

"The defence of the fatherland is the supreme duty and honour of every citizen.

High treason is the greatest crime towards the people.

Military service is universal for all citizens."

/Article 33

Article 33

"It is the duty of citizens to perform conscientiously the public duties to which they have been elected or which are entrusted to them."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 10

Involuntary servitude in any shape, manner or form or under any guise shall be outlawed and discontinued by all nations and all peoples.

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if -

- (b) There is to be no peace-time conscription or militarization of workers protesting or striking against conditions of labour which they consider as unfair or unsatisfactory.

ARTICLE 9

"Subject to any general law adopted in the interest of national welfare or security, there shall be liberty of movement and free choice of residence within the borders of each State."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Mora (Uruguay):

".....We need to protect the right of freedom of movement in order that any man would have freedom of movement from one part of a territory of the State to another....."*

Mrs. Mehta (India):

".....With regard to the right of freedom of movement, there was another freedom that I wish to mention to you. It is not freedom of migration only, but freedom of movement within the State itself. There are laws today in many States which restrict individuals from one part of the country going into the other part of the country. Therefore, there must be freedom of movement within the State itself. That is very important.**

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article II (paragraph 2)

The right to personal liberty includes the right to freedom of movement from one part of the territory of the State to another andit includes also freedom to establish a residence in any part of the territory, subject only to the restrictions that may be imposed by general laws looking to the public order and security of the State.

Cuba - No provision

Panama - No provision

B. Proposals

India - No provision

United States - No provision

* H.R. Com. - 1st session - 8th meeting - pages 43-50
** H.R. Com. - 1st session - 14th meeting - page E-21

SECTION III. NATIONAL CONSTITUTIONS

Argentine, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, traveling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Bolivia, Constitution of

Article 6

Every person has the following fundamental rights in conformity with the laws that regulate their exercise: 1st. To enter the national territory, remain there, move about, or leave.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic: 15th. The liberty to dwell at any point in the Republic, to remove from one place to another under the condition that police regulations be observed, and excepting always injury to a third party;.....

China, Constitution of

Article 10

The people shall have the freedom of domicile and of change of domicile.

Costa Rica, Constitution of

Article 28

Every Costa Rican can move to any point in the Republic or outside of it, provided that he is free of all responsibility, and may return when he desires.

Cuba, Constitution of the Republic of

Article 30

Any person may enter and remain in the national territory, leave it, move from one place to another, and change residence without the necessity of a letter of security, passport, or other similar requirement, except for what is provided in the laws of immigration and the duties of the

/authorities

authorities in cases of criminal responsibility.

No person shall be obliged to change his domicile or residence, except by order of a judicial authority and in the cases and subject to the requirements stipulated by law.

No Cuban may be expatriated or be prohibited entrance into the territory of the Republic.

Czechoslovakia, Constitution of

Article 108

"1. Every citizen of the Czechoslovak State may take up his abode wheresoever he will in the Czechoslovak Republic....."

2. This right shall only suffer restriction in the public interests and on the basis of law.

Dominican Republic, Constitution of

Article 6

10th. Freedom of transit, except for restrictions that result from the execution of penalties imposed judicially, or of immigration and health laws.

Ecuador, Constitution of

Article 187

"The State shall guarantee to the inhabitants of Ecuador:

.....(5) freedom to travel throughout the Republican Territory, to change their residence....."

Egypt: Royal Rescript No. 42

Article 7

Egyptians may not be prohibited from staying in any particular locality, or compelled to reside in a specified place, save in cases prescribed by law.

El Salvador, Constitution of

Article 13

Every person has the right to remain in the place that he may prefer; and that of traveling, emigrating, and returning without a passport, except in case of an executed sentence and without prejudice to what is provided in Article 28 of this Constitution.

Ethiopia, Constitution of

Article 22

Ethiopian subjects have the right to move freely from one place to another within the limits prescribed by law.

/Guatemala

Guatemala, Constitution of

Article 25

..... No one may be obliged to change domicile or residence except by decree of a judicial authority, in the special cases and with the requirements that the law indicates.....

Honduras, Constitution of

Article 67

Any person may enter the territory of the Republic; leave it, travel within its boundaries, and change residence, in conformity with the laws.

Iran; The Supplementary Fundamental Laws

Article 14

No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

Mexico (United Mexican States), Constitution of

Article 11

Any person has the right to enter the Republic, leave it, travel through its territory, and change residence without the necessity of a letter of security, passport, safe conduct, or similar requirements. The exercise of this right shall come under the jurisdiction of the judicial authority in cases of criminal and civil responsibility and under the jurisdiction of the administrative authority insofar as it related to the limitations that the laws impose on emigration, immigration, and the general health of the Republic, or on undesirable aliens residing in the country.

Nicaragua, Constitution of

Article 120

All persons may travel freely within the national territory and choose therein their residence and domicile without being compelled to change it unless it be by virtue of an executed sentence. The right of emigrate and immigrate is recognized, under the limitations that the law established.

Panama, Constitution of the Republic of

Article 27

Any person may travel freely through the national territory and change residence without other limitations than those imposed by travel, fiscal, health, and immigration laws and regulations.

/Peru

Peru, Constitution of the Republic of

Article 88

No one may be exiled from the territory of the Republic, or removed from the place of his residence, except by an executed sentence or by application of the law of alienage.

Philippines, Constitution of

Article III Section 1

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

Poland, Constitution of

Article 101

Every citizen has the liberty of selecting on the territory of the state his place of residence and abode, to move about..... These rights may be restricted only by statute.

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Sweden, Constitution of

Article 16

.....the King shall not banish any person from any place to another.....

Syria, Constitution of

Article 11

It is likewise forbidden to deport Syrians from their national territory or to compel them, or forbid them, to reside in any other place, except as provided by law.

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Turkey, Constitution of

Article 78

Travel is subject to no restriction whatsoever except in cases of general mobilization, martial law, or legislative restrictions of a hygienic nature necessitated by epidemics.

/United States

United States, Constitution of the

Article IV Section 2

Clause 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

14th Amendment, 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.....

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor - No provision.

ARTICLE 10

"The right of emigration and expatriation shall
not be denied."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

Mr. Mora (Uruguay):

".....We need to protect the right of freedom of movement
in order that any man would have freedom of movement from
one part of a territory of the State to another and the right
to leave the State itself limited only by law of immigration
in other countries."*

Mr. Cassin (France):

mentions "the right of migration".**

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article II (paragraph 2)

The right to personal liberty.....includes.....
the right to leave the State itself.....

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

* H.R. Com. - 1st session - 8th meeting - pages 43-50, see also
14th meeting - page 2

** H.R. Com. - 1st session - 13th meeting - page E-101

SECTION III. NATIONAL CONSTITUTIONS

Argentine, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely; of working and practicing any legal industry; of navigating and trading; or petitioning the authorities; of entering, remaining in, travelling through and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Article 25

The federal Government shall develop European immigration; and shall not be able to restrict, limit or burden with any tax whatsoever the entrance into Argentine territory of aliens who arrive with the object of tilling the ground, improving the industries, and introducing and teaching the sciences and arts.

Bolivia, Constitution of

Article 6

Every person has the following fundamental rights in conformity with the laws that regulate their exercise:

1st. To enter the national territory, remain there, move about, or leave.

Brazil, Constitution of

Article 142

Any person may, in time of peace, enter the national territory with his goods and remain therein or depart therefrom, respecting the precepts of the law.

Article 141

No. 13. There shall be no penalty of banishment,

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

15th. The liberty to leave the territory, under the condition
/that police

that police regulations be observed, and excepting always injury to a third party;

Costa Rica, Constitution of

Article 28

Every Costa Rican can move to any point in the Republic or outside of it, provided that he is free of all responsibility, and may return when he desires.

Cuba, Constitution of the Republic of

Article 30

Any person may enter and remain in the national territory, leave it, move from one place to another, and change residence without the necessity of a letter of security, passport, or other similar requirement, except for what is provided in the laws on immigration and the duties of the authorities in cases of criminal responsibility.

.....No Cuban may be expatriated or be prohibited entrance into the territory of the Republic.

Article 76

The law shall regulate immigration in keeping with the national economic system and with social necessities. The importation of contract labour, as well as all immigration tending to debase the condition of labour, is prohibited.

Czechoslovakia, Constitution of

Article 110

The right to emigrate abroad may be restricted only by law.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador: (5) freedom to leave and return to Ecuador including removal of belongings, without prejudice to what the law may prescribe in regard to the national artistic heritage and protection of the currency

Egypt, Royal Rescript No. 42

Article 7

Egyptians may not be expelled from Egyptian territory.

/El Salvador.

El Salvador, Constitution of

Article 13

Every person has the right to remain in the place that he may prefer; and that of travelling, emigrating, and returning without a passport, except in case of an executed sentence and without prejudice to what is provided in Article 28 of this Constitution.

Guatemala, Constitution of

Article 25

Every person has the freedom to enter, to remain in the territory of the Republic, and to leave it, except for the limitations that the law establishes

Honduras, Constitution of

Article 67

Any person may enter the territory of the Republic; leave it, travel within its boundaries, and change residence, in conformity with the laws.

Iraq, Constitution of

Article 7

.....Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Mexico (United Mexican States), Constitution of

Article 11

Any person has the right to enter the Republic, leave it, travel through its territory, and change residence without the necessity of a letter of security, passport, safe conduct, or similar requirements. The exercise of this right shall come under the jurisdiction of the judicial authority in cases of criminal and civil responsibility and under the jurisdiction of the administrative authority insofar as it relates to the limitations that the laws impose on emigration, immigration, and the general health of the Republic, or on undesirable aliens residing in the country.

Nicaragua, Constitution of

Article 120

All persons may travel freely within the national territory and choose therein their residence and domicile without being compelled to change it unless it be by virtue of an executed sentence. The right to

/emigrate

emigrate and immigrate is recognized, under the limitations that the law establishes.

Panama, Constitution of the Republic of

Article 72

The law will regulate immigration, paying attention to the national economic system and to social needs.

Contracting for day labourer who may cut down the conditions of work or the living standards of the national worker is prohibited.

Article 30

There is no penalty of death, expatriation, or confiscation of property.

Peru, Constitution of the Republic of

Article 67

The right of entering, travelling in, and leaving the territory of the Republic is free, with the limitations that may be established by the penal, sanitary, and alienage laws.

Article 68

No one may be exiled from the territory of the Republic, or removed from the place of his residence, except by an executed sentence or by application of the law of alienage.

Poland, Constitution of

Article 101

Every citizen has the liberty to emigrate

Uruguay, Constitution of

Article 36

Any person is free to enter the territory of the Republic, to remain in it, or to leave with his property, observing the laws, and without injury to third parties.

Immigration shall be regulated by law, but in no case shall an immigrant who suffers from physical, mental, or moral defects that may injure society, be admitted.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 7

The right to migrate or leave temporarily or permanently a country in which a citizen does not want to remain must be assured, limited only by the laws of immigration of the country which he may wish to visit.

/ARTICLE 11

ARTICLE 11

"No one shall be subjected to arbitrary searches or seizures, or to unreasonable interference with his person, home, family relations, reputation, privacy, activities, or personal property. The secrecy of correspondence shall be respected."

(See Article 6 of Panama Draft copy of International Declaration)

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile - (Inter-American Juridical Committee) Article X (paragraph 1).

Every person has the right to be free from interference in his family relations.

Article II (paragraph 3)

The right to personal liberty includes the inviolability of the domicile of the individual and of his personal correspondence.

Cuba Article 6

The right to protection from unjustified interferences with his person, family, home, reputation or private activities.

Panama (American Law Institute) Article 6

Freedom from unreasonable interference with his person, home, reputation, privacy, activities, and property is the right of every one.

The state has a duty to protect this freedom.

B. Proposals

India - No provision

United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 16

The residence of every Afghan subject is safe from every sort of interference. No official or other person may enter a private residence

/without

without an order under Shariat law or the law of the land.

Article 109

Immunity of correspondence is one of the rights of the people. Letters and other communications from the public on which postage has been paid will not be opened by any post office or at any other place, except under an order of search from a court, but will be delivered closed to the addressee.

Argentina, Constitution of

Article 18

No inhabitant of the Nation may be punished without previous trial, based on an earlier law than the date of the offense, nor tried by special commissions, nor removed from the judges designated by law before the date of the trial. No one can be compelled to testify against himself or be arrested except by virtue of a written order from a competent authority. The defense, by trial, of the person and of rights is inviolable. The domicile is inviolable, as also epistolary correspondence and private papers, and a law shall determine in what cases and for what reasons their search and seizure will be allowed. The penalty of death for political offenses, all kinds of torture, and whipping, are forever abolished. The prisons of the Nation shall be healthy and clean, for the safety and not for the punishment of the prisoners confined in them; and any measure that under pretext of precaution inflicts on them hardship beyond what the Nation demands, will bring responsibility upon the judge who authorizes it.

Article 19

The private actions of men that in no way offend public order or morality, nor hurt a third party, are reserved only to God, and are exempt from the authority of the magistrates.

Belgium, Constitution of

Article 10

The private domicile is inviolable; no search of premises can take place except in cases provided for by law and according to the form therein proscribed.

Article 22

The privacy of correspondence is inviolable. The law shall determine who are the agents responsible for the violation of the secrecy of letters entrusted to the post.

/Bolivia,

Bolivia, Constitution of

Article 15

.....Epistolary correspondence and private papers are inviolable; they shall not be seized except in the cases determined by law and by virtue of written orders issued by the proper authority. Letters and private papers intercepted or sequestered have no legal effect.

Article 35

.....5th. Likewise, censure of correspondence in general may be imposed and the use of transit passports be required for persons who enter or leave the territory in siege.

In case of international war, censorship shall be established over correspondence and all methods of publicity.

Article 16

Every house is an inviolable asylum; no person may enter at night without the consent of its inhabitants, and by day entrance without permission may be effected only by a written order issued by the proper authority except in cases in flagrante delicto.

Brazil, Constitution of

Article 141

No. 6. The secrecy of correspondence is inviolable.

No. 15. The home is inviolable asylum of the individual. No one may enter therein at night, without the consent of the dweller, unless it be to succor the victims of crime or disaster, or by day, except in the cases established by law.

Byelorussia, Constitution of

Article 102

Article 103

See Article 127 and Article 128 of the Constitution of Union of Soviet Socialist Republics.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

12th. Inviolability of the home.

The house of any person living in Chilean territory may be forcibly entered only for a special purpose, determined by law, and by virtue of an order from a

/competent

competent authority.

13th. Inviolability of epistolary and telegraphic correspondence.

Documents or public securities shall not be opened, intercepted, or examined, except in the cases expressly designated by the law.

China, Constitution of

Article 12

The people shall have the freedom of secrecy of correspondence.

Colombia, Constitution of

Article 23

No one shall be molested in his person or his family, imprisoned, or apprehended, or have his domicile searched, except by virtue of a written warrant from a competent authority, with all legal formalities, and for an offense previously defined in the law.

Article 24

An offender caught in flagrante delicto may be arrested and taken before a judge by any person. If the agents of the authority pursue him and he takes refuge in his own dwelling, they may enter it for the purpose of arresting him; but if he seeks asylum in the dwelling of another person, the consent of the owner or tenant thereof must be previously obtained.

Article 38

Private correspondence by mail or telegraph is inviolable. Letters and private papers shall not be intercepted or examined, except by authority, by means of an order by a competent official, and in the cases and with formalities that the law may establish, and for the sole purpose of seeking legal evidence.

Presentation of account books and other papers relating thereto may be required for levying taxes and in cases of intervention by the State.

The circulation of printed matter through the mails may be taxed, but may never be prohibited in time of peace.

Costa Rica, Constitution of

Article 30

The domicile of the inhabitants of the Republic is inviolable, and one cannot enter a house forcibly except in the cases and with the formalities that the law prescribes.

Article 31

The private papers of the inhabitants of the Republic may in no case be seized or even examined.

Article 32

The secrecy of written and telegraphic correspondence is inviolable, and whatever is removed cannot be exhibited for legal purposes.

Cuba. Constitution of the Republic of

Article 32

The secrecy of correspondence and other private documents is inviolable, and neither the former nor the latter may be held or examined except by officials of official agents in pursuance of a written order from a competent judge. In all cases secrecy shall be maintained regarding matters not pertaining to the object of the seizure or examination. Under the same provisions, the privacy of telegraphic, telephonic, and cable communication is also declared inviolable.

Article 34

The domicile is inviolable and, in consequence, no person may make entry at night into the domicile of another person without the consent of its resident, except in order to succor victims of a crime or disaster, or during the days except in the cases and in the form determined by law.

In case of suspension of this guarantee, it shall be indispensably required that entry into the domicile of a person be made by proper competent authority, upon written order or resolution, an authentic copy of which shall be presented to the resident, his family, or nearest neighbour, according to the case. When authority is delegated to any of his agents the same procedure shall be followed.

Czechoslovakia, Constitution of

Article 112

1. Domestic rights are inviolable.

Article 116

1. Inviolability of matter entrusted to the mail is guaranteed.

/Denmark,

Denmark, Constitution of

Article 79

A person's dwelling is inviolable. House search, seizure and examination of letters and other papers can only be undertaken on an order of the court, unless a special exception is authorized by the law.

Dominican Republic, Constitution of

Article 6

5th.....The law will establish penalties applicable to those who act against the honour of persons,.....

The following are established as inherent to the human personality:

8th. Inviolability of correspondence and other private documents, which cannot be seized or inspected except by means of legal proceedings in the substantiation of matters that are examined in the courts. Secrecy of telegraphic, telephonic, and cable communication is equally inviolable.

9th. Inviolability of the home. No search of a house may be carried out except in cases foreseen by the law, and with the formalities that it prescribes.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:

.....(6) inviolability of the home; no one may enter a house against the owner's will, unless presenting a warrant signed by the competent authority; and, without such warrant, only in cases expressly laid down by law.

.....(7) inviolability of correspondence, postal or other. Consequently it is forbidden to intercept, open or examine another person's correspondence, except in the cases prescribed by law.....

Egypt, Royal Rescript No. 42

Article 8

The sanctity of the home shall be inviolable. No search may be carried out in the home, save in the cases provided for and in accordance with the procedure prescribed by law.

Article 11

The privacy of letters, telegrams and communications by telephone shall be inviolable, except in the cases prescribed by law.

/El Salvador,

El Salvador, Constitution of

Article 21

Inspection or search of a person may be undertaken only to prevent or investigate crimes or offenses.....

The domicile is inviolable, and its invasion may not be decreed except for the investigation of crimes or the pursuit of offenders, in the form and in the cases determined by law.

Article 30

Correspondence by letter and telegraph is inviolable. Intercepted correspondence cannot be given faith and cannot figure in any kind of action.

Ethiopia, Constitution of

Article 25

Except in the cases provided for by law, no search may be carried out in the home.

Article 26

Except in the cases provided for by law, no person shall be entitled to violate the privacy of the correspondence of Ethiopian subjects.

Greece, Constitution of

Article 12

The dwelling is inviolable. Domiciliary visits can only be made when and as the law directs.

Offenders against these provisions are punished for abuse of authority and are bound fully to indemnify the injured party, and further to compensate him in a sum of money fixed at the discretion of the Law Court, but never less than one hundred drachmas.

Article 20

The secrecy of letters is absolutely inviolable.

Guatemala, Constitution of

Article 35

The correspondence of all persons, and their private papers and books, are inviolable.....they may be seized or examined only by virtue of a decree by a competent judge and with the legal formalities.....

Article 37

The domicile is inviolate. No one may enter it without the permission of
/the proprietor,

the proprietor, except by the written order of a competent judge.....

Haiti, Constitution of

Article 14

No house search and no seizure of papers may take place except by virtue of the law and in the forms thereby prescribed.

Article 28

The secrecy of correspondence shall be inviolable.

The law shall prescribe what officers shall be held responsible for the secrecy of letters entrusted to the mails.

Honduras, Constitution of

Article 46

No person shall be harassed or persecuted because of his opinions. Private actions that do not disturb public order, or that do not cause injury to a third person, shall always be outside of the action of the law.

Article 48

The residence of every person is an inviolable asylum, that shall not be entered except by authority, in the following cases:

- 1st. To remove a criminal surprised in flagrante delicto.
- 2nd. Because an offense is being committed inside the habitation, because of scandalous disorder that requires immediate remedy, or because of a complaint from the interior of the house.
- 3rd. In case of fire, earthquake, flood, epidemic, or other analogous situations; and to make any visit or inspection for purely sanitary purposes.
- 4th. To free a person held illegally.
- 5th. To obtain articles sought for a suit, regarding which there is at least some proof of the existence of said articles; and to execute a legally decreed judicial provision.
- 6th. To apprehend an accused person, whose order for arrest or imprisonment has been obtained previously, some proof being established that he is hidden in the house to be searched.
- 7th. In the last two cases, search of a house may not be made without a written order from a competent authority.

Article 49

If the domicile to be searched is not the dwelling of the accused person, the authority or its agents shall, before entering, request permission to enter from the person residing therein.

Article 50

Searching of domiciles shall not be made from seven at night until six in the morning without permission of the head of the house.

Article 51

Correspondence by letter and telegraph and private papers are inviolable, except for what is especially provided by the law of state of siege.

Neither the Executive nor his agents may remove, open, or detain such correspondence. If it has been taken from the mails or from any other place, it may not be introduced in a trial.

Article 52

Private correspondence, papers, or books may only be seized by the order of a competent judge, for the civil or criminal suits determined by law, and shall be registered in the presence of the owner, or, in his absence, of two witnesses; all papers having no relation to the investigation shall be returned.

Iceland, Constitution of

Article 66

A man's dwelling is inviolable. Domiciliary search, seizure and examination of letters and other papers can only take place in accordance with a judicial decision or pursuant to special legal authority.

Iran: The Supplementary Fundamental Laws

Article 9

All individuals are protected and safeguarded in respect to their lives, homes from every kind of interference, and none shall molest them save in such case and in such way as the laws of the land shall determine.

Article 9

All individuals are protected and safeguarded in respect of their honour, from every kind of interference, and none shall molest them save in such a case and in such a way as the laws of the land shall determine.

Article 13

Every person's house and dwelling is protected and safeguarded, and no dwelling place may be entered save in such case and in such a way as the law has decreed.

Article 22

Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Article 23

It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save in such cases as the Law lays down.

Iraq, Constitution of

Article 8

The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such a manner as may be prescribed by law.

Article 15

All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Lebanon, Constitution of

Article 14

Dwellings shall be inviolable. No one may enter therein except in the circumstances and in the manner prescribed by law.

Liberia, Constitution of

Article 1
Section 9

No place shall be searched, nor person seized on a criminal charge, or suspicion, unless upon warrant lawfully issued, upon probable cause supported by oath, or solemn affirmation, specially designating the place or person, and the object of the search.

Luxemburg, Constitution of

Article 15

The sanctity of the home shall be inviolable. No search may be carried out in the home except in the cases provided for and in accordance with the procedure prescribed by law.

Article 28

The privacy of correspondence shall be inviolable.

The law shall determine who are the officers responsible for the privacy of letters entrusted to the mails.

The law shall regulate the guarantee of the privacy of telegrams.

Mexico (United Mexican States), Constitution of

Article 10

The inhabitants of the United Mexican States have the liberty of possessing arms of any kind for their security and legitimate defense, except such arms as those expressly prohibited by law, and those that the Nation reserves for the exclusive use of the army, navy, and national guard; but, these may not be carried in towns, without complying with police regulations.

Article 16

No person, his family, domicile, papers, or possessions may be molested except by virtue of a written order by a competent authority establishing and supporting the legal basis of the proceeding.

Article 16

.....Every search warrant, which may be issued only by judicial authority and always in writing, shall state the place to be inspected, the person or persons to be apprehended, and the objects to be sought, to which the search should be exclusively limited, and upon the conclusion of said search a circumstantial report shall be drawn up in the presence of two witnesses proposed by the occupant of the place searched, or, in his absence or at his refusal, by the officer making the investigation...

Article 16

Administrative officials may enter domiciles only to assure themselves that sanitary and police regulations have been complied with; and to require the exhibition of books and papers necessary to prove that fiscal regulations have been respected, subject to these cases to the respective laws and to the formalities prescribed for searches.

Article 25

Sealed correspondence sent by mail shall be free from all investigation, and its violation shall be punishable by law.

/Article 26

Article 26

No member of the army may, in time of peace, be lodged in a private house without the consent of the owner, nor may any levies be imposed. Members of the army may, in time of war, exact lodging, supplies, food, and other levies on the terms that the corresponding martial law establishes.

Netherlands, Constitution of the

Article 159

To enter a dwelling against the occupants will shall only be permitted on cases determined by law, by virtue of a special or general order given by in authority designed by law.

The forms to which the exercise of this power shall be bound shall be regulated by law.

Article 160

The secrecy of letters entrusted to the postal service or to other public institutions of conveyance shall be inviolable, except by order of a judge in the cases described by law.

Nicaragua, Constitution of

Article 123

The State guarantees the inviolability of the home. The habitation of all persons in Nicaraguan territory may be broken into by the authorities on in the following cases:

- 1st. In the actual pursuit of an offender.
- 2nd. To remove a criminal surprised in flagrante delicto.
- 3rd. When the tenant requests it, when an offense is committed therein or when a serious disturbance has been created therein that requires prompt remedy.
- 4th. In case of fire, earthquake, flood, epidemic, or other analogous emergency.
- 5th. For any visit or inspection of a statistical, sanitary, or hygienic character.
- 6th. To release a person unlawfully held.
- 7th. To remove, by virtue of a writ, objects sought, when there is sufficient proof of the existence of said objects therein.
- 8th. In order to execute a judicial decision, mandate, or order

/9th. To arrest

9th. To arrest a criminal whose detention or imprisonment has been ordered, provided that there is sufficient proof that he is concealed in the place to be entered.

The entrance shall not be effected in the four cases last mentioned except on written order issued by a competent authority.

When the domicile to be entered is not that of the criminal pursued, the authority or his agents will previously ask the permission of the tenant.

The entering of a domicile in the cases in which a written order by a competent authority is required shall not be made between the hours of seven at night and six in the morning without the consent of the head of the household.

Article 131

The secrecy of epistolary, telegraphic, telephonic, or of any other kind of correspondence, as well as of private documents and papers, is inviolable. They may never be opened, examined or intercepted except in conformity with the laws exacted for reasons of general interest, and by a previous order from a competent authority. Every examination of this material must be made in the presence of the recipient or possessor of the same, or, in his absence, before two witnesses, returning the correspondence, documents, or papers that have no relation to the matter under investigation.

Article 132

Any correspondence, documents, and papers removed from post-offices, or from any other place, in contravention of the law, will have no legal effect in court proceedings or out of court.

Norway, Constitution of

Article 102

Domiciliary visits shall not be made except in criminal cases.

Panama, Constitution of the Republic of

Article 26

The domicile is inviolable. No one may enter that of another without the consent of its proprietor unless on the written order of a competent authority or in order to succor the victims of crimes or disasters.

Labour, social welfare, and sanitation officials may, after previous

/announcement

announcement, **perform** domiciliary or inspection visits to working places for the purpose of seeing to the fulfillment of the social and public health laws.

Article 29

Correspondence and other private documents are inviolable and may not be seized or examined except by provision of a competent authority and by means of legal formalities. In all cases discretion shall be observed about matters foreign to the object of the seizure or examination.

Inspection of papers **shall** always be performed in the presence of the interested party or of a member of his family or, in their absence, of two reputable neighbours of the same place.

Paraguay, Constitution of

Article 26

.....Guilt or dishonour that persons may incur does not affect their relatives.

Article 27

.....The domicile, written correspondence, and private papers are also inviolable. The law shall determine in what cases the inviolability of domicile and correspondence may be suspended.

Peru, Constitution of the Republic of

Article 61

The domicile is inviolable. It may not be entered unless a written order authorized by a judge or a competent authority has previously been shown.

Article 66

Correspondence is inviolable. Letters and private papers may not be seized, intercepted, or recorded, except by judicial authority in the cases and in the form established by law.

Letters and private papers that have been violated or removed have no legal effect.

Philippines, Constitution of the

Article III
Section 1

(3) The right of the people to be secure in their persons, houses, papers,
/and effects

and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

Poland, Constitution of

Article 100

The home and hearth of the citizen are inviolable. Infringements of this right by entering the home, searching it and taking papers or movables may, apart from the necessity of executing administrative orders based on specific statutory authorization, take place only by order of judicial authorities in the manner and in the cases prescribed by the protection of statute.

Article 106

The secrecy of letters and other correspondence may be infringed upon only in cases provided by law.

Article 124

A temporary suspension of citizen's rights of inviolability of home and hearth (Article 100) of secrecy of correspondence (Article 106) may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety

Sweden, Constitution of

Article 16

.....The King shall not disturb or allow to be disturbed the peace of any person in his home

Syria, Constitution of

Article 12

Dwellings shall be inviolable; no one may enter therein, except in the circumstances and in the manner prescribed by law.

Article 18

Postal, telegraphic and telephonic communications shall be inviolable

/and may

and may not be delayed or censored, except as provided by law.

Turkey, Constitution of

Article 71

The life, property, honour and residence of each individual are inviolable.

Article 76

No one's domicile may be entered or his person searched except as in the manner and under the conditions stipulated by law.

Article 81

Documents, letters and all kinds of parcels delivered to the postal authorities may not be opened without a decision by a competent examining magistrate and tribunal. Likewise the secrecy of telegraphic and telephonic conversation may not be violated.

Uruguay, Constitution of

Article 7

Inhabitants of the Republic have the right to be protected in the enjoyment of life, honour, liberty, security, work, and property. No person shall be deprived of these rights except in conformity with the laws that may be established for reasons of general interest.

Article 11

The home is an inviolable haven. No person may enter it at night without the consent of the owner, and by day only by express order in writing from an authorized judge and in the cases determined by law.

Article 27

The papers of private persons and their correspondence by letter, telegraph, or any other means, are inviolable, and their inspection, examination, or interception is prohibited except in conformity with laws that may be established for reasons of general interest.

Ukraine, Constitution of

Article 127
Article 128

See Article 127 and Article 128 of the Constitution of Union of Soviet Socialist Republics.

/Union of Soviet Socialist Republics,

Union of Soviet Socialist Republics, Constitution of

Article 127

Citizens of the Union of Soviet Socialist Republics are guaranteed
inviolability of the person

Article 128

The inviolability of the homes of citizens and privacy of
correspondence are protected by law.

United States, Constitution of the

4th Amendment

The right of the people to be secure in their persons, houses, papers,
and effects, against unreasonable searches and seizures, shall not be
violated, and no warrants shall issue, but upon probable cause, supported
by oath or affirmation, and particularly describing the place to be searched,
and the persons or things to be seized.

Yugoslavia, Constitution of

Article 29

The dwelling is inviolable.

Nobody may enter another person's dwelling or premises, or search
them against the occupant's will without a legal search warrant.

A search may only be made in the presence of two witnesses. The
occupant of the premises has the right to be present during the search of
his dwelling or premises.

Article 30

The privacy of letters and other means of communication is inviolable
except in cases of criminal enquiry, mobilization or war.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 12

"Every one has the right to a legal personality.

No one shall be restricted in the exercise of his
civil rights except for reasons based on age or
mental condition or as a punishment for a criminal
offense."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile - No provision
Cuba - No provision
Panama - No provision

B. Proposals

India - No provision
United States - No provision

SECTION III. NATIONAL CONSTITUTIONS

Belgium, Constitution of

Article 13

Total deprivation of civil rights (mort civile) is abolished and shall
not be re-established.

Bolivia, Constitution of

Article 132

The law does not recognize inequality among children; all have the
same rights.

Article 23

Every person enjoys civil rights; their exercise is regulated by
civil law.

Article 25

Punishment by disgrace or by loss of civil rights shall not exist.

Colombia, Constitution of

Article 50

The law shall determine matters relative to the civil status of persons
and their consequent rights and duties. Likewise, family patrimonies, which
are inalienable and free from attachment, may be established.

/Cuba

Cuba, Constitution of

Article 43

3. Marriage may be dissolved by agreement of the husband and wife, or in the petition of either of the two, for the reasons and in the form established in the law.

4. The married woman enjoys the full advantages of equal civil capacity, with no necessity for marital permission or authorization in order to manage property, freely to engage in trade, to enter industry or a profession, to practice an art, to hold office, and to dispose of the product of her labour.

Article 44

Parents are obliged to support, tend, educate and instruct their children, and the latter to respect and assist their parents. The law shall assure the fulfillment of these duties with guarantees and adequate penalties.

Children born out of wedlock to a person who at the time of conception may have been able to contract marriage, have the same rights and duties as are stipulated in the preceding paragraph, except for what the law prescribes in regard to inheritance. For this purpose, children born out of wedlock, of married person, when the latter acknowledge the children, or when the filiation is established by declaration, shall also have equal rights. The law shall regulate the investigation of paternity.

All qualifications on the nature of filiation are abolished. No statement may be made differentiating between births, either upon the civil status of the parents in the written records of the latter, or in any registry of baptism or certificate preferring to the filiation.

El Salvador, Constitution of

Article 15

No one shall be obliged to give work or personal services without just compensation and without his full consent, except for reasons of public necessity or utility established by law. The law cannot authorize any act or contract that may have for its object the loss or irrevocable sacrifice of the liberty of man, whether by reason of work, education, or religious vows. Nor can it authorize agreements in which a man contracts his prescription or exile.

Greece, Constitution of

Article 18

Civil death is abolished. The penalty of death for political offences, except complex crimes, is abolished.

Mexico, (United Mexican States) Constitution of

Article 5

The State may not permit to be carried into effect any contract, pact, or agreement that has as its object the impairment, loss, or irrevocable sacrifice of the liberty of man, whether by reason of occupation, education, or religious vow. Consequently, the law does not permit the establishment of monastic orders, whatever may be the denomination or the object for which they presume to be established.

Nicaragua, Constitution of

Article 83

The law will procure for illegitimate children the same advantages for their physical, spiritual, and social development as for legitimate ones.

Panama, Constitution of

Article 58

Parents have the same duties toward children born outside of wedlock as toward those born in it. All children are equal before the law and have the same hereditary rights in intestate succession.

Peru, Constitution of

Article 44

Any stipulation in a labour contract that may restrict the exercise of civil, political, and social rights is prohibited.

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Uruguay, Constitution of

Article 41

Parents shall have the same obligations toward children born out of wedlock as toward those born in marriage.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

/ARTICLE 13

ARTICLE 13

"Every one has the right to contract marriage in
accordance with the laws of the State."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Lebeau (Belgium):

".....The right to marriage, establish a home and have children...."*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article X (paragraph 1)

Every person has the right to be free from interference in his
family relations.

(paragraph 2)

It is the duty of the State to respect and to protect the
reciprocal rights of husband and wife in their mutual relations.

Cuba

No provision.

Panama

No provision.

B. Proposals

India

No provision.

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Belgium, Constitution of

Article 16

Civil marriage shall always precede the religious ceremony, except in
cases to be established by law if found necessary.

Cuba, Constitution of

Article 43

1. The family, motherhood, and marriage are under the protection of the State.
2. Only marriages authorized by officials having legal capacity to effect them are valid. Civil marriage is gratuitous and shall be recognized by the law.
3. Marriage is the legal basis of the family, and rests upon absolute equality of rights of both husband and wife. The economic relationship between husband and wife shall be regulated in accordance with this principle.
5. Marriage may be dissolved by agreement of the husband and wife, or in the petition of either of the two, for the reasons and in the form established in the law.

Nicaragua, Constitution of

Article 78

The State fosters the organization of the family on the legal basis of matrimony.

Panama, Constitution of

Article 56

A union in fact between persons legally capacitated to contract matrimony, maintained during ten consecutive years in conditions of singularity and stability, will have all the effects of civil matrimony.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-
GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 14

"There shall be freedom of conscience and belief
and of private and public religious worship."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article IV (paragraph 1,2,3,4)

Every person has the right to freedom of religious belief and
worship.

This right includes freedom of religious worship in public as
well as in private; freedom of religious worship by groups as well as
by individuals; freedom to maintain churches and other places of public
worship and to assemble in them without restraint; freedom of parents
to educate children in their particular religious belief; freedom of
religious propaganda in spoken or written form.

The only restrictions which the state may place upon the right of
freedom of religious worship are those called for by the requirements
of public health, safety and good morals; and all such restrictions
must be in accordance with general laws and administered without
discrimination.

A distinction is recognized between strictly religious activities
and other activities of an economic or financial character associated
with the maintenance of religious worship but not forming an essential
part of it. These economic or financial activities may be regulated by
the state in accordance with the general laws governing such activities.

Cuba

Article 4

The right to choose and profess freely his religion without any
restriction other than that imposed by respect for morality and public
order.

Panama (American Law Institute)

Article 1

Freedom of belief and of worship is the right of every one. The
state has a duty to protect this freedom.

B. Proposals

India

Article I (a)

Every human being is entitled to the right of liberty, including
the right to freedom of worship.

/ United States

United States

Article II (2)

Among the categories of rights which the United States suggests should be considered are the following:

- (a) personal rights such as freedom of.....religion.....

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 1

The faith of Afghanistan is the sacred faith of Islam, and the official religion and that of the population in general is the Hanafi religion. The King of Afghanistan should be a follower of this religion. Followers of other religions such as Hindus and Jews, who live in Afghanistan, provided they do not infringe the ordinary rules of conduct and propriety, also enjoy protection.

Argentina, Constitution of

Article 2

The federal Government supports the Roman Catholic Apostolic Church.

Article 14

All inhabitants of the Nation enjoy the following rights in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, traveling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Belgium, Constitution of

Article 14

Religious liberty and the freedom of public worship are guaranteed, unless crimes are committed in the use of these liberties.

Article 15

No one shall be compelled to join in any manner whatever in the forms and ceremonies of any religion, nor to observe its days of rest.

/Article 16

Article 16

The state shall not interfere either in the appointment or in the installation of the ministers of any religion whatever, nor shall it forbid them to correspond with their superiors or publish their proceedings, subject to the ordinary responsibility of the press and of publication.....

Article 16

.....Civil marriage shall always precede the religious ceremony, except in cases to be established by law if found necessary.

Bolivia, Constitution of 28 October 1938

Article 156

Schools of a private character shall be subject to the same authorities, plans, programmes, and official rules. Liberty of religious instruction is recognized.

Article 2

The State recognizes and supports the Roman Catholic Apostolic religion, guaranteeing the public exercise of all religions.

Brazil, Constitution of 18 September 1946

Article 141

No. 7. The liberty of conscience and creed is inviolable, and the free exercise of religious sects is assured, except that they shall not be contrary to public order or good morals. Religious associations shall acquire juridical personality in the form of the civil law.

No. 8. No one shall be deprived of any of his rights by reason of religious, philosophic, or political conviction, unless he shall invoke it in order to exempt himself from any obligation, duty, or service required by the law of Brazilians in general, or shall refuse those which the same law may establish as substitutes for those duties in order to meet an excuse of conscience.

Article 168

Religious instruction shall be a part of the teaching schedule of official schools, and shall be administered in accordance with the religious confession of the pupil, manifested by him, if he is capable, or by his legal representative or person responsible for him.

/Article 141

Article 141

No. 10. Cemeteries shall have a secular character and shall be administered by the municipal authorities. All religious confessions shall be permitted to practice their rites therein. Religious associations may maintain private cemeteries, in the form of the law.

Byelorussia, Constitution of

Article 99

See Article 124 of the USSR Constitution.

China, Constitution of

Article 13

The people shall have the freedom of religious belief.

Colombia, Constitution of 4 August 1886

Article 53

The State guarantees liberty of conscience.

No person shall be molested by reason of his religious opinion, or be compelled to profess beliefs or observe practices contrary to his conscience.

Liberty is guaranteed for all forms of worship that are not contrary to Christian morals or to the laws. Acts contrary to Christian morality or subversive of the public order, engaged in on the occasion or under the pretext of the exercise of religion, shall be subject to the common law.

The Government may negotiate conventions with the Holy See, subject to the subsequent approval of the Congress, to regulate, on the basis of reciprocal deference and mutual respect, the relations between the State and the Catholic Church.

Costa Rica, Constitution of

Article 66

The Roman Catholic Apostolic Religion is that of the State, which contributes to its maintenance, without preventing the free ministry in the Republic of any other worship that is not opposed to universal morality or good customs.

Cuba, Constitution of the Republic of

Article 35

The profession of all religions is free, as well as the exercise of all kinds of worship, without other limitation than respect for Christian morality and public order.

/The Church

The Church shall be separated from the State, which shall not grant a subvention to any religion.

Czechoslovakia, Constitution of

Article 121

Liberty of conscience and religious creed is guaranteed.

Article 122

All inhabitants of the Czechoslovak Republic enjoy in the same degree as the citizens of the Republic, the right to profess and exercise publicly and privately any creed, religion or faith whatsoever, so far as the exercise of the same is not in conflict with public law and order or with morality.

Denmark, Constitution of

Article 3

The Evangelical-Lutheran Church is the Danish national church and as such receives State support.

Article 73

The constitution of the State Church is prescribed by law.

Article 74

Citizens shall have the right to unite in assembly for divine worship in the manner corresponding to their convictions, but nothing may be taught or practiced which is contrary to morality or public order.

Article 75

No person is obliged to make personal contributions to any other form of worship than that which is his own.

Article 76

Detailed regulations regarding religious communities other than the State Church shall be laid down by law.

Article 77

No person may by reason of his religious faith be denied full enjoyment of civic and political rights or evade the fulfilment of any general civic duty.

/Dominican

Dominican Republic, Constitution of 10 January 1942

Article 6

3rd. Freedom of conscience and of worship, without any other limitation than the respect owed to public order and good customs.

Ecuador, Constitution of

Article 168

Freedom of conscience is guaranteed in all its forms and aspects, in so far as it is compatible with morality and public order. The law shall make no discrimination on religious, ideological or racial grounds.

Article 187

"The State shall guarantee to the inhabitants of Ecuador: (8) the right of every citizen not to be compelled to declare, for any purpose, his political convictions or religious beliefs, nor to be molested for those professed, except in the cases specified in the Constitution and the laws...."

Egypt, Royal Rescript No. 42 of 1923

Article 12

Freedom of conscience is absolute.

Article 13

The State protects, in conformity with the customs established in Egypt, the free practice of all religions and beliefs, provided that they are not prejudicial to public order and morals.

El Salvador, Constitution of

Article 12

The free exercise of all religions, without further restriction than that required by morality and public order, is guaranteed. No religious act shall serve to establish the civil status of persons.

Churches and their dependencies shall be exempt from every kind of tax on real property.

The State recognizes the juridical personality of the Catholic Church, representative of the religion that the majority of Salvadorians profess. Other churches may obtain recognition of their juridical personality in conformity with the law.

/France,

France, Declaration of the Rights of Man and of the Citizen, 1789 Article 10

No man is to be interfered with because of his opinions, not even because of religious opinions, provided his avowal of them does not disturb public order as established by law.

Greece, Constitution of Article 1

The established religion in Greece is that of the Eastern Orthodox Church of Christ. Every other known religion is tolerated, and the forms of its worship are carried out without hindrance under the protection of the laws, proselytism and all other interference with the established religion being prohibited.

Article 2

.....The ministers of all recognized religions are subjected to the same superintendence on the part of the State as the ministers of the established religion.....

Guatemala, Constitution of Article 29

The profession of all religions is free, as well as the practice of all cults, without any preference and in the interior of churches; this right does not extend to the execution of subversive acts or practices incompatible with peace and public order, and does not excuse the fulfilment of civil, social and political obligations.

Religious societies and groups or their members as such, and ministers of cults, may not intervene in politics or in questions related to the organization of labour.

Article 24

(Paragraph 5) No official or public employer may be molested or persecuted for his political, social or religious opinions.

Haiti, Constitution of Article 22

All forms of worship and all religions are equally free and recognized. Every person has the right to profess his religion and to practice his own form of worship provided that he does not thereby interfere with public order.

/Honduras,

Honduras, Constitution of

Article 57

The Church is separate from the State.

The free exercise of all religions that are not opposed to the laws of the country is guaranteed.

Subsidies for denominations or for religious instruction are prohibited.

Article 58

No religious act shall serve to establish the civil status of a person.

Article 65

Entails in favour of, or entire estates given to, religious institutions are prohibited.

Iceland, Constitution of

Article 62

The Evangelical Lutheran Church shall be the national church of Iceland and shall as such be supported by the State.

This may be modified by law.

Article 63

Citizens have a right to unite in communities to worship God in the way which tallies best with their conviction, but they must not teach or undertake anything which is against morality or public order.

Article 64

No one can be deprived of the full enjoyment of his civil and political rights or evade the fulfilment of any duty as a citizen on account of his creed.

No one shall be obliged to give any personal contribution to any other divine worship than his own.

Any one outside the national church shall pay to the University of Iceland or to a sustention fund attached to that college the same contributions as he would otherwise have given to the State Church provided, however, that he does not belong to any other religious community acknowledged in the country.

Amendments may be made by law.

/Iraq,

Iraq, Constitution of

Article 13

Islam is the official religion of the State. Freedom to practice the rites of the different sects of that religion, as observed in Iraq is guaranteed. Complete freedom of conscience and freedom to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Lebanon, Constitution of

Article 9

There shall be complete freedom of conscience. While acknowledging the Most High, the Government shall respect all creeds and safeguard and protect the free exercise of all forms of worship on condition that public order is not interfered with. It also guarantees that the personal status and religious interests of the populations, to whatever creed they belong, shall be respected.

Liberia, Constitution of

Article 1

Section 3. All men have a natural and inalienable right to worship God according to the dictates of their own conscience, without obstruction or molestation from others; all persons demeaning themselves peaceably and not obstructing others in their religious worship, are entitled to the protection of law in the free exercise of their own religion, and no sect of Christian shall have exclusive privileges or preference over any other sect; but all shall be alike tolerated; and no religious test whatever shall be required as a qualification for civil office, or the exercise of any civil right.

Luxemburg, Constitution of

Article 21

Civil marriage must always precede the religious ceremony.

Article 19

The freedom of religion and public worship, and the right of every man

/to express

to express his religious opinions are guaranteed, subject to the power to punish offences committed in the exercise of these liberties.

Article 20

No person may in any way be forced to observe the acts or ceremonies of a religion or its days of rest.

Article 22

The intervention of the State in the appointments and the induction of heads of religion, the method of appointment and dismissal of other ministers of religion, the freedom for such persons to correspond with their superiors and to publish their documents, and the relations between Church and State, shall be regulated by agreements which shall be submitted to the Chamber of Deputies in respect of these provisions which require its intervention.

Mexico, (United Mexican States) Constitution of

Article 24

Every man is free to profess the religious belief which is most pleasing to him and to practice the ceremonies, rites, or acts of the respective cult in places of worship or in his private residence, provided they do not constitute a crime or offence punishable by law.

Any religious rite of public worship shall be confined entirely within places of worship, which shall always be under the supervision of the authorities.

Article 27

.....2nd - Religious associations called churches, whatever may be their belief, in no case have the capacity to acquire, possess, or administer real estate or capital invested therein; the properties that they hold at present directly or through some intermediary, shall pass to the domain of the Nation, the people being allowed the right to denounce properties that they find in such case. The ground of presumption shall be sufficient to declare the denouncement established. Churches dedicated to public worship
/are the

are the property of the Nation, represented by the federal Government, which shall determine those that should continue in use. The headquarters of bishops, parish houses, seminaries, asylums, or academies of religious associations, convents, or any other buildings that may have been constructed or intended for the administration, propagation, or instruction of any religious creed, shall pass immediately, by full right, to the direct domain of the Nation, to be dedicated exclusively to the public services of the Federation or of the States, in their respective jurisdictions. Churches that may be erected in the future for public worship shall be the property of the Nation...

Article 130

The federal powers shall exercise the supervision required by law in affairs relating to religious denominations and external discipline. Other authorities shall act as auxiliaries of the Federation.

The Congress cannot enact laws establishing or prohibiting any religion.

.....Marriage is a civil contract. This and other acts of a civil nature, concerning persons, are within the exclusive competence of the civil officials and authorities, in the manner prescribed by law, and shall have the force and validity defined by said law.

.....The law does not recognize any personality in religious groups called churches.

Ministers of denominations shall be considered as persons who exercise a profession and shall be directly subject to the laws enacted on such matters.

Only the legislatures of the States shall have the power to determine the maximum number of ministers of denominations necessary to local needs.

To practice the ministry of any denomination in the United Mexican States, it is necessary to be a Mexican by birth...

Permission to dedicate new locations open to the public for religious

/purposes

purposes must be obtained from the office of the Secretary of Government, with previous consent of the government of the State. There must be a representative in every church building who is responsible to the authorities for compliance with the laws on religious discipline in said building, and for the objects pertaining to the worship...

No privilege shall be granted, or for any reason confirmed, or any other step assigned that has as its purpose to give validity in the official course of studies to studies made in establishments intended for the professional instruction of ministers of denominations. The authority who infringes this provision shall be criminally responsible, and the privilege or step referred to shall be null and shall cause in itself the nullification of the professional degree for the attainment of which the infraction of this provision may have been made...

A minister of any denomination may not himself or by means of a proxy inherit or receive any real estate occupied by any association for religious propaganda or for religious or philanthropic purposes. Ministers of denominations are legally incapacitated to be testamentary heirs of the ministers of the same denominations or of any private person who is not related to them, within the fourth degree.

Netherlands, Constitution of

Article 169

All religious communities in the realm shall be afforded equal protection.

Article 170

The professors of the several religions shall all enjoy the same civil and civic rights, and shall have equal claims to the holding of dignities, offices and employment.

Article 168

Every person shall profess his religious opinions with perfect liberty, without prejudice to the protection of society and its members against the violation of the penal laws.

/Article 173

Article 173

The King shall see that all religious communities keep within the limits of obedience to the laws of the State.

Nicaragua, Constitution of

Article 58

The register of civil status is under the exclusive jurisdiction of the State.

Article 59

Public cemeteries have a secular character. Ministers of any religious belief may practice their respective rites in them.

Article 73

Houses of worship and annexes, dedicated exclusively to the practice of a religion, are exempt from taxation.

No edifice or object of worship, used in the practice of a religion, may be assigned by the State to any other use.

The churches, organizations, and religious institutions of any faith will have the same rights as the law grants and recognizes in case of private individuals with regard to property.

Article 74

The enactment of laws that protect or restrict specified faiths is prohibited.

Article 100

The law recognizes the following rights of workers and employees:

1st. Independence of moral and civic conscience.

Article 135

Liberty of conscience, the expression of all beliefs, and the practice of all religions that do not oppose morality, good habits, and the public order, are guaranteed. Practices of religion incompatible with the life and physical integrity of the human being are forbidden.

Acts contrary to morality or subversive to the public order, that are

/performed

performed on the occasion or pretext of the exercise of a religion, are subject to the common law.

Article 136

No one may be compelled to declare officially his religious beliefs unless it is for a statistical questionnaire ordered by the law.

Norway, Constitution of

Article 2

The Evangelical-Lutheran religion shall remain the public religion of the State. The inhabitants professing it shall be bound to bring up their children in the same. Jesuits shall not be tolerated.

Panama, Constitution of the Republic of

Article 36

It is recognized that the Catholic religion is that of the majority of the Panamanians. It will be taught in the public schools, but its learning and attendance at acts of religious worship will not be obligatory for pupils when their parents or guardians so request it. The law will provide the assistance that must be given to said religion for missions to the indigenous tribes and for other analogous purposes.

Article 35

The profession of all religions is free, as well as the exercise of all faiths, without other limitations than respect for Christian morality and public order.

Article 37

Religious associations have juridical capacity and order and administer their property within the limits indicated by the law, the same as other juridical persons.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:...to profess their faith freely;...

Article 3

The religion of the State is the Roman Catholic Apostolic, but other
/faiths,

faiths, which may not be opposed to morality and the public order, are tolerated. The head of the Paraguayan Church and the bishops must be native-born citizens.

Peru, Constitution of the Republic of

Article 59

Freedom of conscience and of belief is inviolable. No one may be persecuted by reason of his ideas.

Article 232

Respecting the sentiments of the national majority, the State protects the Apostolic Roman Catholic Religion. Other religions enjoy freedom for the exercise of their respective faiths.

Philippines, Constitution of the Republic of the

Article III

Section 1. (7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

Poland, Constitution of

Article 111

Freedom of conscience and of religion is guaranteed to all citizens. No citizen may suffer a limitation of the rights enjoyed by other citizens, by reason of his religion or religious convictions.

All inhabitants of the Polish State have the right of freely professing their religion in public as well as in private, and performing the commands of their religion or rite, in so far as this is not contrary to public order or public morality.

Siam, Constitution of

Article 13

Every person is entirely free to profess any religion or creed and to exercise the form of worship in accordance with his own belief, provided that it is not contrary to the duties of a national or to public order or public morals.

Sweden, Constitution of

Article 16

.....The King shall not constrain or allow to be constrained the conscience
/of any person,

of any person, but shall protect anyone in the free exercise of his religion, provided he does not thereby disturb public order or occasion general offence....

Syria, Constitution of

Article 15

There shall be absolute liberty of conscience; the State shall respect all creeds and religions established in the country; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals; it shall also guarantee for all peoples, of whatever creed they may belong, the respect of their religious interests and their personal rights.

Turkey, Constitution of

Article 75

No one may be censured for the philosophical creed, religion, or doctrine to which he may adhere. All religious services not in contravention to public order and morals and the laws are authorized.

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Ukraine, Constitution of

Article 123

See USSR Constitution Article 124

Union of Soviet Socialist Republics, Constitution of the

Article 124

In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the State, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

United States, Constitution of the

1st Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech,

/or of the

or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Article VI

3, - ...but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Uruguay, Constitution of

Article 5

All religious denominations are free in Uruguay. The State does not support any religion. It recognizes ownership by the Catholic Church of all churches that have been wholly or partially constructed with funds of the national treasury, except chapels intended for the service of asylums, hospitals, jails, or other public institutions. It declares, likewise, that churches consecrated to the worship of various religions are exempt from all kinds of taxation.

Yugoslavia, Constitution of

Article 25

"Freedom of conscience and freedom of religion are guaranteed to citizens.

The Church is separate from the State.

Religious communities, whose teaching is not contrary to the Constitution, are free in their religious affairs and in the performance of religious ceremonies. Religious schools for the education of priests are free and under the general supervision of the State.

The abuse of the Church and of religion for political purposes and the existence of political organizations on a religious basis are forbidden.

The State may extend material assistance to religious communities."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 5

Freedom of religion and right to religious worship are indispensable to a truly democratic society.

ARTICLE 15

Every one has the right to form, to hold, to receive
and to impart opinions.

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article III (paragraphs 1 - 2)

Every person has the right to freedom of speech and of expression.

This right includes freedom to form and to hold opinions and to give
expression to them in private and in public, and to publish them in
written or printed form.

Cuba

Article 3

The right to free investigation to enable him to form his opinions,
and to express these opinions freely, subject to his being held
responsible for his actions.

Panama (American Law Institute)

Article 2

Freedom to form and hold opinions and to receive opinions and
information is the right of every one.

The State has a duty to protect this freedom.

B. Proposals

India

Article I (a)

Every human being is entitled to the right of liberty including
the right to freedom of opinion

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Brazil, Constitution of

Article 141

No. 5. The manifestation of thought is free, and shall not be dependent
upon censorship, except as regards public spectacles and amusements

/Chile, Constitution of

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:
No. 2. Practice of all beliefs, liberty of conscience and the free exercise of all religions that may not be contrary to morality, to good usage, or to public orders; therefore, the respective religious bodies have the right to erect and maintain houses of worship and their dependencies under the conditions of security and hygiene fixed by the laws and regulations.

The churches, creeds, and religious institutions of whatever faith shall have those rights in respect to their property as the laws now in force may grant and recognize, but they will be subject, within the guarantees of this Constitution, to the common law in the exercise of ownership of their future acquired property.

Churches and their dependencies, intended for the service of any sect, are exempt from taxation.

Ecuador, Constitution of

Article 187

"The State shall guarantee to the inhabitants of Ecuador:

....(8) the right of every citizen not to be compelled to declare, for any purpose, his political convictions or religious beliefs, nor to be molested for those professed, except in the cases specified in the Constitution and the laws...."

Egypt, Royal Rescript

Article 14

Freedom of opinion is guaranteed. Within the limits of the law, every person has the right to express his thoughts freely, in word, in writing, pictorially, or otherwise.

France, Declaration of the Rights of Man and of the Citizen Article 10

No man is to be interfered with because of his opinions, not even because of religious opinions, provided his avowal of them does not disturb public order as established by law.

France, Constitution of

5. No one may suffer in his work or his employment by reason
/of his origins,

of his origins, his opinions or his beliefs.

Honduras, Constitution of

Article 46

No person shall be harassed or persecuted because of his opinions. Private actions that do not disturb public order, or that do not cause injury to a third person, shall always be outside of the action of the law.

Iraq, Constitution of

Article 12

Freedom of expression of opinion is guaranteed to all Iraqis within such limits as may be prescribed by law.

Nicaragua, Constitution of

Article 128

No one may be molested or persecuted for his opinions, but he will be subject to the sanction of the law if the opinions are contrary to public order, to the fundamental institutions of the State, to the republican and democratic form of Government, to the established social order, to morals and good habits, or if they may cause injury to a third party.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if -

....(c) All economic or political discrimination and punishment for differences of political opinion or religious belief and practices are to be eliminated. The threat of being sent to concentration or labour camps as a punishment for difference of opinion with any government authority or dominant political party must be completely removed.

ARTICLE 16

"There shall be free and equal access to all sources of information both within and beyond the borders of the State."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Dukes (United Kingdom):

".....Freedom of information is a fundamental right and the touchstone of all the freedoms to which the United Nations is consecrated".*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article III (paragraph 4)

The right to freedom of speech and expression includes freedom of access to the sources of information both domestic and foreign.

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

United States, Constitution of

1st Amendment

Congress shall make no law..... abridging the freedom..... of the press....

* H.R. Com. - 1st session - 8th meeting - page 4

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 9

The more full and complete knowledge of the world is extended and realized by the peoples of all nations, the less will be the distance and misunderstanding between nations and people. Therefore, the right of the free access to, and exchange of information - scientific, economic, social, religious and political, the promotion of knowledge and of cultural relations, the full and free dissemination of news by radio and press must be assured.

ARTICLE 17

"Subject only to the laws governing slander and libel, there shall be freedom of speech and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication. Censorship shall not be permitted."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

-None-

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article III (paragraph 1,2,3, 5,6,7)

Every person has the right to freedom of speech and of expression.

This right includes freedom to form and to hold opinions and to give expression to them in private and in public, and to publish them in written or printed form.

The right to freedom of speech and of expression extends to the use of whatever means of communication are available: freedom to use the postal service, the public utilities of telegraph, telephone and radio communication; freedom to use the graphic arts, the theater, the cinema and other agencies for the dissemination of ideas.

The right to freedom of speech and of expression includes the special and highly privileged right to freedom of the press.

The only limitations which the state may impose upon this freedom are those prescribed by general law looking to the protection of the public peace against slanderous or libelous defamation of others, and against indecent language or publications, and language or publications directly provocative of violence among the people.

Censorship of the cinema may be in advance of publication, taking into account the particular form of publication and the necessity of protecting the public against matters offensive to accepted standards of conduct. The state may not retain a monopoly of radio broadcasting so as to deny to the individual the opportunity for the free expression of opinion through that instrumentality of communication.

Cuba

Article 3

The right to free investigation to enable him to form his opinions, and to express these opinions freely, subject to his being held responsible for his actions.

/Panama

Panama (American Law Institute)

Article 2

Freedom of expression is the right of every one.

The state has a duty to refrain from arbitrary limitation of this freedom and to prevent denial of reasonable access to channels of communication.

B. Proposals

India

I(a)

Every human being is entitled to the right of liberty including the right to.....freedom of opinion.....

United States

II. (2)

Among the categories of rights which the United States suggests should be considered are the following:

(a) personal rights, such as freedom of speech, information....

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 23

Publications and newspapers of Afghanistan, such as are not against religion, are under no restrictions save as provided by the special law relating to them. The right of publishing news belongs only to the Government, and to Afghan subjects. The entry into Afghanistan of foreign newspapers which do not contain matter against religion and the policy of the Afghan government is unrestricted.

Argentine, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading of petitioning the authorities; of entering, remaining in, travelling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property of associating for useful purposes; of freely professing their religion; of teaching and learning.

Article 32

The federal Congress shall not enact laws that restrict the liberty
/of the press

of the press or that establish federal jurisdiction over it.

Belgium, Constitution of

Article 18

The press is free; no censorship shall ever be established; no caution money shall be exacted of writers, publishers, or printers.

In case the writer is known and is a resident of Belgium, the publisher, printer or distributor can not be prosecuted.

Bolivia, Constitution of

Article 6

3rd. To express freely his ideas and opinions by any means of diffusion.

Brazil, Constitution of

Article 141

No. 5....The publication of books and periodicals shall not be dependent upon license from the public power. However, propaganda for war, or violent processes to subvert the political and social order, or prejudices of race or of class shall not be tolerated.

Byelorussia, Constitution of

Article 100

See Constitution of Union of Soviet Socialist Republics, Article 125

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

3rd. Freedom to express their opinions without previous censorship, by word or in writing, through the medium of the press or in any other form, without prejudice to the liability of answering for offenses and abuses that may be committed in the exercise of this liberty, in the form and in the cases determined by law.

China, Constitution of

Article 11

The people shall have the freedom of speech, academic instruction, writing and publication.

Colombia, Constitution of

Article 42

(1) The press shall be free in times of peace; but responsible, in accordance with the law, when it may attack personal honour, the social order, or public tranquility.

Article 42

(2) No newspaper publication shall, without the permission of the

/Government

Government, receive a subvention from other governments or from foreign corporations.

Costa Rica, Constitution of

Article 37

Everyone can communicate his thoughts by word of mouth or by writing and publish them by means of the press, without previous censorship, remaining responsible for the abuses that he may commit in the exercise of this right, in the cases and in the manner that the law establishes.

Cuba, Constitution Of The Republic of

Article 33

All persons shall have freedom to express their thoughts by speech, writing, or any other graphic or oral means of expression without subjection to previous censure, utilizing for this purpose any and all means of dissemination available.

Editions of books, pamphlets, disks, films, periodicals, or publications of whatever nature, that attack the good reputation of persons, the social order, or the public peace, may be suppressed only after prior determination thereof by competent judicial authority, without affecting the responsibilities consequent upon the criminal act committed.

In the cases referred to in this article, the use and enjoyment of places, equipment, or instruments that the organ of publicity in question may utilize, may not be held or interrupted, except under civil liability.

Czechoslovakia, Constitution of

Article 117

1. Every person may within the limits of the law express his or her opinion by word, in writing, in print, by picture, etc.
2. The same applies to legal persons within the limits of their competence.
3. No one shall suffer in the sphere of his work or employment for exercising this right.

Article 113

1. Freedom of the press.....is guaranteed. It is therefore in principle inadmissible to place the press under preliminary censorship.....
3. Restrictions may be imposed by law..... The law shall also state what restrictions shall be placed on the principles of the foregoing

/paragraphs

paragraphs in time of war or in case of events taking place within the State seriously threatening the republican form of government, the Constitution or public peace and order.

Article 118

Scientific research and the publication of its results, as well as art is free so far as it does not violate the penal code.

Denmark, Constitution of

Article 84

Every person is entitled to publish his ideas in print, but is responsible to the courts. Censorship and other preventive regulations may not at any time be re-introduced.

Dominican Republic, Constitution of

Article 6

The following are established as inherent to the human personality:

5th. The right to express thoughts without subjection to previous censorship.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:

(11) freedom of expression of thoughts, and of speech, through the press or other means of utterance or diffusion, provided that such statements imply no abuse, calumny, personal insult, or meaning which is immoral or contrary to the national interests; otherwise the offender shall be liable to the penalties or proceedings prescribed by law.

Article 94

In the event of imminent threat of foreign invasion or of international conflict or internal disturbance, the Executive (President) shall apply to Congress.....in order that.....it may grant.....some or all of the following Extraordinary Powers.

(13) to establish prior censorship, exclusively of news items in the press and radio.....

/Egypt;

Egypt: Royal Rescript No. 42

Article 15

The press is free within the limits laid down by law. Preventive censorship is prohibited. Warnings, suspension or suppression of newspapers by administrative procedure are likewise prohibited, except where it may be necessary to have recourse to these measures for the protection of the social order.

El Salvador, Constitution of

Article 29

Every man may freely express, write, print, and publish his thoughts, without previous examination, censorship, or bond; but he must answer before a jury for any offense he may commit.

France: Declaration of The Rights of Man And of The Citizen 1789 Article 11

The unrestrained communication of thoughts or opinions being one of the most precious rights of man, every citizen may speak, write and publish freely provided he be responsible for the abuse of this liberty in the cases determined by law.

Greece, Constitution of

Article 14

Everybody may publish his opinions by speech, by writing, or by printing, observing the laws of the Realm. The press is free. Censorship and every other preventive measure is prohibited. The seizure of newspapers and other printed treatises, whether before or after publication is likewise prohibited. Exceptionally seizure after publication is permitted on account of insult to the Christian religion or to the person of the King, or, in cases determined by law, on account of indecent publications manifestly offending public decency; but in such case, within twenty-four hours after the seizure both the Public Prosecutor must submit the case to the Judicial Council and the Council must decide whether the seizure is de jure raised. Appeal is allowed against the order only to the publisher of the article seized, and not to the Public Prosecutor.

/The publication

The publication of news or communications relating to military movements or to the fortifications of the country may be prohibited in such manner as the law shall direct, under threat of seizure and criminal prosecution. In case of seizure the provisions above stipulated are applied.

Both the publisher of a newspaper and the author of a reprehensible publication relating to private life, in addition to the penalty imposed according to the terms of the criminal law, are civilly and conjointly liable fully to redress any loss occasioned, and to indemnify the injured party in a sum of money fixed at the discretion of the Judge, but never less than two hundred drachmas. Only Greek citizens are allowed to publish newspapers.

Haiti, Constitution of

Article 21

Every person has the right to express his opinions on all subjects by every means in his power. The expression of ideas in every form cannot be subjected to any previous censorship except in the case of a declared state of war.

Abuses of the right of expression shall be defined and punished by law, provided freedom of expression is not thereby jeopardized.

Honduras, Constitution of

Article 59

Every person may freely, without previous censure, express his opinions orally or in writing, by means of the press or by any other procedure, without exemption from the responsibility for the offenses and abuses that he commits in the exercise of this liberty, in the form and cases determined by law.

In no case may the printing press or other accessories be confiscated as instruments of the offense.

Iceland, Constitution of

Article 72

Every person has the right to publish his thoughts in print; he is,

/however,

however, responsible to the courts. Censorship and other hindrances of the freedom of the press can never be established by law.

Iran: The Supplementary Fundamental Laws

Article 20

All publications, except heretical books and matters hurtful to the perspicuous religion (of Islam) are free, and are exempt from censorship. If, however, anything should be discovered in them contrary to the Press law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Iraq, Constitution of

Article 12

.....liberty of publication.....is guaranteed to all Iraqis within such limits as may be prescribed by law.

Lebanon, Constitution of

Article 13

Freedom of speech and of writing.....shall be guaranteed within the limits laid down by the law.the freedom of the press.....shall be guaranteed within the limits laid down by the law.

Liberia, Constitution of

Article 1

Section 15

The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be restrained in this Republic. The press shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions, is one of the invaluable rights of men, and every citizen may freely speak, write and print, on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers, investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libel, the jury shall have right to determine the law and

/the facts,

the facts, under the direction of the court, as in other cases.

Luxemburg, Constitution of

Article 24

Freedom of speech on all subjects and the freedom of the press are guaranteed, subject to the power to punish offences committed in the exercise of these liberties.

A censorship shall never be established.

Mexico (United Mexican States), Constitution of

Article 6

Expression of ideas shall not be the object of any judicial or administrative investigation, except in the case of an attack on the principles or rights of third parties, or where it may provoke some crime or disturb public order.

Article 7

Freedom to write and publish articles on any subject is inviolable. No law or authority may establish a previous censorship, or exact a bond from the authors or printers, or restrict the freedom of the press, which has no further limits than respect for private life, morals, and public peace. In no case may the printing press be sequestered as an instrument of the crime.

The organic laws shall prescribe whatever provisions may be necessary to prevent the imprisonment, under pretext of offenses of the press, of distributors, paper venders, workers, and other employees of the establishment from which has issued the denounced writing, unless the responsibility of said persons has been previously demonstrated.

Article 130

The federal powers shall exercise the supervision required by law in affairs relating to religious denominations and external discipline. Other authorities shall act as auxiliaries of the Federation.

Periodical publications of religious character, whether they be such because of their plan, their title, or simply because of their general

/tendencies,

tendencies, may not comment on national political matters or publish information on acts of the authorities of the country or of private persons directly related to the functioning of public institutions.

Netherlands, Constitution of

Article 7

No person shall require previous permission to publish thoughts or feelings by means of the printing press, without prejudice to every person's responsibility according to law.

Nicaragua, Constitution of

Article 129

The State guarantees liberty of the press and of speech. All have the right of freely expressing their ideas and opinions, orally, by writing, by printing, by cartoons, or by any other medium of diffusion, without prejudice to answering for offenses and abuses committed in the exercise of this right, in the form and cases determined by the law; this responsibility concerns the author and editor or printer of the punishable publication or distribution thereof, to the extent of adequate satisfaction by indemnification to the person injured.

Article 130

Previous censorship may not exist, but the law may establish exceptions to this principle in respect to cinematographic films, public theatrical presentations, or spectacles, in the protective interest of childhood, of youth, and of good habits. The law may also enact measures against immoral and pornographic literature and against war propaganda and violent means of subverting the political and social order.

Norway, Constitution of

Article 100

There shall be liberty of the press. No person may be punished for any writing, whatever its contents may be which he has caused to be printed and published, unless he wilfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional powers, or resistance to their orders, or has advanced false and defamatory accusations against any other person.

/Every

Every one shall be free to speak his mind frankly on the administration of the State or on any other subject whatsoever.

Panama, Constitution of the Republic of

Article 38

Every person may freely express his thoughts, by word, in writing or in any other medium, without subjection to previous censorship.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:.....to publish their ideas by the press without prior censorship, provided they refer to matters of general interest;.....

Article 31

The issuing and publication of books, pamphlets, and periodicals shall be regulated by law. Anonymous publication is not permitted.

Peru, Constitution of The Republic of

Article 63

The State guarantees freedom of the press. Everyone has the right freely to express his ideas and his opinions by means of printing or by any other method of diffusion under the responsibility established by the law. Responsibility for libelous publication shall pertain to the author and the editor, who shall collectively be responsible for the indemnification due the injured person.

Article 64

The ordinary tribunals shall have jurisdiction over crimes of the press.

Article 65

Public spectacles are subject to review.

Philippines, Constitution of The

Article III
Section 1

(8) No law shall be passed abridging the freedom of speech, or of the press.

Poland, Constitution of

Article 104

Every citizen has the right to express freely ideas and convictions in so far as he does not thereby violate legal provisions.

Article 105

Freedom of the press is guaranteed. Censorship or the system of licensing printed matter, may not be introduced.....

Article 124

A temporary suspension of citizen's rights.....of freedom of the press (Article 105).....may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety.....

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Sweden, Constitution of

Article 85

The following shall be considered fundamental laws; the present Constitution, the Riksdag Law, the Succession Law, and the Law, and the law relating to the freedom of the press, which shall be adopted by the King, and the Riksdag jointly in accordance with the principles laid down by the present constitution.

Article 86

By "freedom of the press" is understood the right of every Swede to publish his writings without any previous interference on the part of the public authorities; that of only being prosecuted afterwards before a regular court on account of the contents of his publication, and that of not being punished unless such contents are in conflict with a law enacted to preserve the public peace, without interfering with public enlightenment.

Article 108

Every fourth year the Riksdag in ordinary session shall, in manner prescribed by the Riksdag law, appoint six persons of known intelligence and erudition, who, together with the Procurator for Judicial Affairs as

/president,

president, shall watch over the liberty of the press. These Commissioners of whom two in addition to the Procurator for Judicial Affairs, shall be lawyers, shall have the following duty: In case an author or printer, before printing, submits a manuscript to them and asks their advice as to whether it would be subject to an action under the law relating to the freedom of the press, the Procurator for Judicial Affairs, and not fewer than three members of the Committee, of whom one shall be a lawyer, shall give such opinion in writing. If they declare that the manuscript may be printed, both author and publisher shall be free from all responsibility, which shall fall on the Commissioners.

Syria, Constitution of

Article 16

Freedom of thought shall be guaranteed; all persons shall be entitled to express their views verbally, in writing, in speeches or graphically, subject to the limitations provided by law.

Article 17

Freedom of the press, and of printing shall be guaranteed, subject to the conditions laid down by the law.

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Article 77

The press shall enjoy freedom within the framework of the law and shall not be subject to any censorship or control prior to publication.

Ukraine, Constitution of

Article 124

See Constitution of Union of Soviet Socialist Republics Article 125
Union of Soviet Socialist Republics, Constitution of Article 125

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

/(a) Freedom

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly, including the holding of mass meetings;
- (d) Freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations (printing) presses, stocks of paper, public building, the streets, communication facilities and other material requisites for the exercise of these rights.

United States. Constitution of the

First Amendment

Congress shall make no law abridging the freedom of speech, or of the press

Uruguay. Constitution of

Article 28

The communication of thought by word, written privately, or published in the press, or by any other method, without necessity of previous censorship, is entirely free; authors and, as the case may be, printers or distributors, remaining liable, according to law, for abuses that may be committed.

Yugoslavia. Constitution of

Article 27

Citizens are guaranteed the freedom of the press, freedom of speech, freedom of association, freedom of assembly, the freedom to hold public meetings and demonstrations.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 2

Freedom of expression and association is vital to the preservation of the basic liberties and the enhancement of the spiritual and material progress of the human race. These rights must be inviolate for those who oppose, no less than for those who support, a ruling party or a regime at any specific moment.

Article 8

There must be freedom of opinion and expression and full access to the opinions of others.

/Article 12

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if -

.....(d) Freedom from censorship of books, press, radio and art, having due regard to the requirements of morals and decency.

ARTICLE 18

"There exists a duty towards society to present
information and news in a fair and impartial manner."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:
.... (11) freedom of expression, of thought.... through the press or other
means.... The law shall govern the exercise of this freedom, bearing in
mind that the primary aim of journalism is to defend the national interests
and that it constitutes a social service worthy of the respect and support
of the State.....

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

/ARTICLE 19

ARTICLE 19

"There shall be freedom of peaceful assembly."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR
PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article V

Every person has the right to assemble peaceably with others as a means of giving expression to views upon matters of common interest.

The state has the duty to permit the use of public places for purposes of general assembly. It has the right to be informed of meetings to be held in public places, to designate convenient localities, and to impose conditions upon the use of such places in the interest of the public order and safety. Similar conditions may be imposed upon assemblies in public and in private buildings. But the conditions imposed by the state upon the holding of public meetings must not be such as to impair substantially the right itself to hold such meetings; and no conditions shall be required for the assembly of small groups of persons whether in public or in private places.

The right of assembly includes the right to hold public parades, subject to the same restrictions to which assemblies are subject.

Cuba

Article 15

The right to meeting and associating with his fellow-men for fostering the pursuit of permissible aims.

Panama (American Law Institute)

Article 4

Freedom to assemble peaceably with others is the right of every one.

The state has a duty to protect this freedom.

B. Proposals

India

I (a)

Every human being is entitled to the right of liberty including the right to freedom of assembly....

United States of America

No provision

/SECTION III.

SECTION III. NATIONAL CONSTITUTIONS

Belgium, Constitution of

Article 19

Belgian citizens have the right to assemble peaceably, and without arms, when conforming to the laws which regulate this right, and without previous authorization.

This provision does not apply to assemblies in the open air, which remain entirely under the police laws.

Bolivia, Constitution of

Article 6

4. To meet (and associate) for various purposes not contrary to the security of the State.

Brazil, Constitution of

Article 141

11. All may assemble, without arms, and the police shall not intervene to assure public order. With this object in view, the police may designate the place of the assembly, provided that by thus proceeding, they do not hamper the assembly or render it impossible.

Byelorussia, Constitution of

Article 100

See Article 125 of the Union of Soviet Socialist Republics Constitution.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

4. The right of uniting without previous permission and without arms. In plazas, streets, and other places of public use, assemblies will be governed by the general police regulations.

China, Constitution of

Article 14

The people shall have freedom of assembly.....

Colombia, Constitution of

Article 46

Any number of people shall be permitted to assemble or congregate peacefully. The authorities may dissolve any assembly that degenerates into disorder or obstructs the public roads.

/Costa Rica,

Costa Rica, Constitution of

Article 33

All of the inhabitants of the Republic have the right to gather peacefully and without arms, whether with the object of occupying themselves with private affairs, or with that of discussing political matters and examining the public conduct of officials.

Cuba, Constitution of

Article 37

The inhabitants of the Republic have the right to assemble peacefully and without arms, and the right to hold processions and associate with one another for all the legitimate purposes of life, in conformity with the corresponding legal standards, without further limitation than may be necessary to assure public order.

Czechoslovakia, Constitution of

Article 113

1. the right to assemble peaceably and without arms is guaranteed. The manner in which ... the right of free assembly shall be exercised shall be determined by law.

3. Restrictions may be imposed by law especially in case of assembly in places which serve as public thoroughfares... The law shall also state what restrictions shall be placed on the principles of the foregoing paragraphs in time of war or in case of events taking place within the State seriously threatening the republican form of government, the Constitution or public peace and order.

Denmark, Constitution of

Article 86

Citizens have the right of unarmed assembly. The police have the right to attend public meetings. Open-air meetings may be forbidden when there is reason to fear that they are a danger to the public peace.

Article 87

In the case of riot, armed forces, if not attacked, may only intervene after the crowd has been called upon three times in the name of the King and the law to disperse.

/Dominican Republic,

Dominican Republic, Constitution of

Article 6

The following are established as inherent to the human personality:

- (6) Freedom of association and of assembly for pacific ends.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:

....(13) freedom of assembly....without weapons, for purposes not prohibited by law....

Egypt, Royal Rescript

Article 20

Egyptians have the right to assemble peaceably and without arms.

The police shall not be entitled to attend assemblies, and it shall not be necessary to give notice thereof to the police.

This provision shall not apply to public assemblies which are subject to statutory provisions and shall not preclude or restrict the taking of any measures requisite for the protection of the social order.

El Salvador, Constitution of

Article 14

Similarly, the inhabitants of El Salvador may associate and assemble peacefully, and without arms, for any lawful purpose.

Greece, Constitution of

Article 10

The Greeks have the right to meet quietly and unarmed; only at public assemblages the police may be present. Assemblages in the open air may be prohibited if danger to public security is imminent from them.

Guatemala, Constitution of

Article 31

The right of assembling peacefully and without arms is recognized. The law regulates the right of assembly in open air and that of demonstration. Religious demonstrations outside of churches are permitted and are governed by the respective law.

Haiti, Constitution of

Article 25

Haitians have the right of unarmed peaceful assembly even to deal with political matters, subject to observance of such laws as may govern the exercise of that right but without previous permission being required.

/This regulation

This regulation does not apply to public meetings, which are subject entirely to the police laws.

Honduras, Constitution of

Article 61

Freedom of assembly without arms and that of association for any legitimate purpose are guaranteed.

The establishment of any kind of monastic association is prohibited. The entrance into the country of individuals belonging to these associations shall be regulated by law.

Iceland, Constitution of

Article 74

Citizens have a right to assemble unarmed. The police have a right to be present at public assemblies. Open-air meetings may be prohibited should it be feared that danger of disturbances might ensue.

Iraq, Constitution of

Article 12

Freedom of....meeting together....is guaranteed to all Iraqis within such limits as may be prescribed by law.

Lebanon, Constitution of

Article 13

.....freedom to assemble.....shall be guaranteed within the limits laid down by the law.

Liberia, Constitution of

Article I, Section 5

The people have a right at all times, in an orderly and peaceable manner to assemble and consult upon the common good, to instruct their representatives, and to petition the government, or any public functionaries for the redress of grievances.

Luxemburg, Constitution of

Article 25

Luxemburg nationals have the right to assemble peaceably and without arms without previous authorization, provided that they comply with the laws regulating the exercise of these rights. This provision shall not apply to political, religious and other open-air meetings, which shall continue to be subject to the police laws and regulations in every respect.

/Mexico,

Mexico, (United Mexican States) Constitution of

Article 9

The right of associating or meeting peacefully for any lawful purpose shall not be infringed, but only citizens of the Republic may exercise it in taking part in the political affairs of the country. No armed assembly has the right of deliberating.

An assembly or meeting that has as its object the formulating of a petition or the presenting of a protest regarding some act of an authority shall not be considered illegal and may not be dissolved, provided insults are not voiced against authority nor any violence or threats used to intimidate or oblige him to decide in the manner that they desired.

Article 35

4. Privileges of citizens are:

3. To assemble for the discussion of the political affairs of the country...

Article 9

The right of association and assembly of citizens is recognized. The exercise of this right shall, in the interest of public order be regulated and limited by law.

Nicaragua, Constitution of

Article 124

The right to assemble peacefully, without previous permission and without arms, is guaranteed.

Article 125

The right to assemble in the open air and that of demonstration will be regulated by police laws.

Norway, Constitution of

Article 99

2. The Government is not entitled to employ military force against subjects of the State, except in accordance with the forms prescribed by law, unless any meeting should disturb the public peace and do not immediately disperse after the articles of the Statute book relating to riots have been read out loud three times by the civil authority.

/Panama,

Panama, Constitution of

Article 39

All inhabitants of the Republic have the right to assemble peacefully and without arms for lawful purposes. Manifestations or assemblies in open air are not subject to permission. Only a previous announcement to the local administrative authorities, twenty-four hours in advance, is required to effect them.

The authorities may take police measures to prevent or suppress abuses in the exercise of this right, when the form in which it is exercised causes or may cause disturbance in traffic, commotion in public order, or violation of the rights of third parties.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:to assemble peaceably;...

Peru, Constitution of

Article 62

Everyone has the right to assemble peacefully without arms and without compromising the public order. The exercise of the right of assembly shall be regulated by law.

Philippines, Constitution of

Article III, Section 1

(8) No law shall be passed abridging the right of the people peaceably to assemble.

Poland, Constitution of

Article 108

Citizens have the right of....meeting.....The exercise of these rights is defined by statutes.

Article 124

A temporary suspension of citizen's rights of....meeting...may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety...

/Siam,

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Syria, Constitution of

Article 25

Freedom of assembly and association shall be guaranteed in the manner prescribed by the law.

Turkey, Constitution of

Article 79

The limits imposed on the liberty of making contracts, of labour, of ownership, of meeting and associating, and of incorporation shall be determined by law.

Ukraine, Constitution of

Article 124

See Article 125 of the Union of Soviet Socialist Republics Constitution.

Union of Soviet Socialist Republics, Constitution of

Article 125

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the Union of Soviet Socialist Republics are guaranteed by law:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly, including the holding of mass meetings;
- (d) Freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations (printing) presses, stocks of paper, public buildings, the streets, communication facilities and other material requisites for the exercise of these rights.

United States of America, Constitution of

1st amendment

Congress shall make no law...abridging...the right of the people peaceably to assemble.

Uruguay, Constitution of

Article 37

The right to assemble peacefully and without arms is guaranteed.

/The exercise

The exercise of this right cannot be prohibited by any official of the Republic, except by virtue of a law, and only then for reasons of public health, security, and order.

Yugoslavia, Constitution of

Article 27

Citizens are guaranteed the freedom of the press, freedom of speech, freedom of association, freedom of assembly, the freedom to hold public meetings and demonstrations.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 20

"There shall be freedom to form associations for
purposes not inconsistent with this Bill of Rights."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article VI

Every person has the right to associate with other persons for
the protection and promotion of legitimate interests.

The state has the right to adopt regulations governing the
activities of associations, provided they are applied without
discrimination against a particular group, and provided they do
not impair substantially the right of association.

Article XIV (paragraph 2)

.....Associated with the right to work is the right to form labour
and professional unions.

Cuba

Article 15

The right to meeting and associating with his fellow-men
for fostering the pursuit of permissible aims.

Panama (American Law Institute)-

Article 5

Freedom to form with others associations of a political,
economic, religious, social, cultural, or any other character for
purposes not inconsistent with these articles is the right of everyone.

The state has a duty to protect this freedom.

B. Proposals

India

I (a)

Every human being is entitled to the right of liberty,
including the right to freedom of assembly and association
.....

United States

No provision

/SECTION III.

SECTION III. NATIONAL CONSTITUTIONS

Argentina, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely, of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, travelling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Belgium, Constitution of

Article 20

Belgian citizens have the right of association; this right shall not be restricted by any preventive measure.

Bolivia, Constitution of 28 October 1938

Article 6

...4th. To meet and associate for various purposes not contrary to the security of the State.

Article 125

Free professional and trade union association is guaranteed and the collective bargaining contract is recognized.

Brazil, Constitution of 18 September 1946

Article 141

No. 12. Freedom of association for legitimate purposes is guaranteed. No association may be compulsorily dissolved except by virtue of judicial sentence.

Article 141

No. 13. The organization, registration, or functioning of any political party or association, the programme or action of which may be contrary to the democratic regime, based upon plurality of parties and guaranty of the fundamental rights of men, is prohibited.

/Article 159

Article 159

Professional or trade union association is free, the form of organization, the legal representation in the collective labour contracts and the exercise of functions delegated by the public power, being regulated by law.

Byelorussian, Constitution of

Article 101

See U.S.S.R. Constitution - Article 126.

Chile, Constitution of 18 September 1925

Article 10

The Constitution insures to all inhabitants of the Republic:

5th. The right of association without previous permission and in conformity with the law.

China, Constitution of

Article 14

The people shall have freedom of ... association.

Colombia, Constitution of 4 August 1886

Article 47

Popular political organizations of a permanent character are prohibited.

Article 44

(1) The formation of companies, associations, and foundations that are not contrary to the legal order is permitted. Associations and foundations may obtain recognition as juridical persons.

(2) Religious associations must, in order to remain under the protection of the laws, file, before the civil authority, the authorization issued in their favour by their respective ecclesiastical superiors.

Costa Rica, Constitution of

Article 55

All employers, as well as all workers, may organize freely for the exclusive purposes of their economic-social activities, in accordance with the law.

Cuba, Constitution of the Republic of

Article 37

The formation and existence of political organizations contrary to the democratic representative system of government of the Republic, or

/which

which in any way seek to subvert complete national sovereignty, is unlawful.

Cuba, Constitution of

Article 69

The right of organization is recognized for employers, private employees, and workers, for the exclusive purposes of their economic-social activity.

The competent authority shall have a period of thirty days in which to admit or refuse to admit the registry of a workers' or employers' association. The registration shall determine the juridical personality of the workers' or employers' association. The law shall regulate everything concerned with the recognition of the association by the employers and by the workers respectively.

Association may not be finally dissolved until a provisional decision has been made by the tribunals of justice.

The officials of these associations shall be exclusively Cubans by birth.

Czechoslovakia, Constitution of

Article 113

1...the right...to form associations is guaranteed...

3. Restrictions may be imposed by the law especially...in cases of the participation of foreigners in political associations. The law shall also state what restrictions shall be placed on the principles of the foregoing paragraphs in time of war or in case of events taking place within the State seriously threatening the republican form of government, the Constitution or public peace and order.

Article 114

1. The right of association to safeguard and ameliorate conditions of employment and economic conditions shall be guaranteed.

2. All acts of individuals or societies which constitute an intentional violation of this right, are prohibited.

/Denmark, Constitution

Denmark, Constitution of

Article 35

Citizens are entitled, without previous permission, to form associations for any lawful purpose. No association can be dissolved by a government measure. An association may, however, be provisionally prohibited, but a suit for dissolution shall immediately be brought against it.

Dominican Republic, Constitution of

Article 6

The following are established as inherent to the human personality:

6th. Freedom of association and of assembly for pacific ends.

Article 103

The organization of political parties and associations is free, in accordance with the law, providing their tendencies conform with the principles established in the second article of this Constitution.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:

...(13 freedom of...association... for purposes not prohibited by law...

Article 188

With respect to Ecuadorians, the following special guarantees shall be established:

...(4) The right to join parties and other political associations which are not contrary to the Constitution, with the purpose of taking part in national politics...

El Salvador, Constitution of

Article 32

No permanent civil or ecclesiastical corporation, whatever its character, denomination, or object may be, shall have the legal capacity to own real property in fee simple or to administer it for itself, with the single exception of that intended immediately and directly for the service or the purpose of the institution.

/Article 35

Article 35

The right of association is guaranteed, and the establishment only of conventual congregations and all kinds of monastic institutions is prohibited.

Article 14

Similarly, the inhabitants of El Salvador may associate and assemble peacefully, and without arms, for any lawful purpose.

France, Constitution of

Paragraph 6

Every man may defend his rights and interests by trade-union action and may join the union of his choice.

Greece, Constitution of

Article 11

The Greeks possess the right of association, conforming with the laws of the State, and in no case can the laws subject this right to previous permission on the part of the Government.

An association cannot be dissolved for infractions of the provisions of the laws except by judicial decision.

Guatemala, Constitution of

Article 32

The right of association for the different purposes of human life is guaranteed, in conformity with the law. The establishment of conventual congregations and of all kinds of monastic institutions or associations, as well as the formation and functioning of political organizations of an international or foreign character is prohibited. Organizations that propose Central American Union or Pan-American doctrines or continental solidarity are not included in this prohibition.

Article 33

Guatemalans have the right to be organized in political parties, which must be inscribed in conformity with what the electoral law determines...

Haiti, Constitution of

Article 26

Haitians have the right of association and of forming political parties, trade unions and co-operatives.

This right cannot be subordinated to any preventive measures. Moreover, nobody can be compelled to join a political association or party.

/The law

The law governs the conditions of operation of these bodies.

Honduras, Constitution of

Article 61

Freedom of assembly without arms and that of association for any legitimate purpose are guaranteed.

The establishment of any kind of monastic association is prohibited. The entrance into the country of individuals belonging to these associations shall be regulated by law.

Iceland, Constitution of

Article 73

Citizens have a right to establish associations for every lawful purpose, without obtaining permission. No society can be dissolved by a Government measure. A Society can nevertheless be provisionally prohibited, but action must immediately be brought against it for its dissolution.

Iran, The Supplementary Fundamental Laws of

Article 21

Societies (anjumans) and associations (ijtimalat) which are not productive of mischief to Religion of the State, and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public thoroughfares and open spaces must likewise obey the police regulations.

Iraq, Constitution of

Article 12

Freedom of forming and joining associations is guaranteed to all Iraqis within such limits as may be prescribed by law.

Lebanon, Constitution of

Article 13

....freedom of association shall be guaranteed within the limits laid down by the law.

Luxemburg, Constitution of

Article 26

Luxemburg nationals have the right of association. This right shall not be made subject to any preliminary permit.

The founding of any religious corporation must be authorized by a law.

Mexico (United Mexican States), Constitution of the

Article 9

The right of associating or meeting peacefully for any lawful purpose

/shall not

shall not be infringed, but only citizens of the Republic may exercise it in taking part in the political affairs of the country. No armed assembly has the right of deliberating.....

Article 28

Associations of workers formed to protect their own interests shall not constitute monopolies.

Nor are associations or co-operative societies of producers to be considered monopolies when, in defense of their own interests or of the general interest, they sell directly in foreign markets the national or industrial products that are the principal source of wealth in the region where they are produced and which are not articles of prime necessity, provided that said associations are under the supervision or protection of the federal Government or of the States and that previous authorization be obtained from the respective legislatures in each case. Those same legislatures, on their own initiative or at the proposal of the Executive, may revoke the authorization granted for the establishment of the associations herein referred to, whenever public necessity so requires.

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

16th. Both employers and employees shall have the right to organize for the defense of their respective interests, forming unions, professional associations, etc.

Article 130

The federal powers shall exercise the supervision required by law in affairs relating to religious denominations and external discipline. Other authorities shall act as auxiliaries of the Federation.

The formation of all kinds of political groups, the name of which has any word or indication whatever that it is related to any religious denomination

/is strictly

is strictly prohibited. Meetings of a political character may not be held in places of worship.

Netherlands, Constitution of the

Article 9

The right of association and assembly of citizens is recognized. The exercise of this right shall, in the interest of public order be regulated and limited by law.

Nicaragua, Constitution of

Article 50

The State does not recognize the legal existence of political parties of international organization. Individuals belonging to such may not discharge any public function. Only parties recommending the union of Central America are excepted.

Article 126

All persons have the right to form unions or associations, whatever may be the purpose that they pursue, provided that it is not an association declared illegal by the law, but it is incumbent on the State to authorize corporative, moral, cultural, or economic organizations.

Panama, Constitution of

Article 67

The right of organizations of employers, employees, workers, and professional persons of all classes is recognized for the exclusive ends of their economic-social activity.

The Executive will have an unextendable period of thirty days for accepting or rejecting the inscription of a workers' or employers' union. The inscription will determine the juridical personality of the union. The law will regulate everything that concerns the recognition by the Executive of unions of employers, employees, workers, and professional persons.

The Executive may not dissolve a union except when it has departed from its exclusive purposes and is so declared by a competent tribunal by a final decree.

The management of these associations will be composed exclusively of Panamanians.

/Article 40

Article 40

It is permitted to form companies, associations, or foundations that are not contrary to morality or the legal order, which may obtain their recognition as juridical persons.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:...to associate with one another for legitimate purposes;...

Article 32

The State shall oversee and regulate the organization, the functioning, and the activities of groups or bodies of a public character.

Peru, Constitution of

Article 27

The State recognizes liberty of association and of contract. The conditions for its exercise are regulated by the law.

Article 53

The State does not recognize the legal existence of political parties of international organization. Those who may belong to such political parties may not discharge any political function.

Philippines, Constitution of

Article 3
Section 1

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

Poland, Constitution of

Article 108

Citizens have the right of combining, meeting and forming associations and unions.

The exercise of these rights is defined by statutes.

Article 124

A temporary suspension of citizen's rights...of combining, meeting and forming associations (Article 108), may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety...

/Siam,

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Syria, Constitution of

Article 25

Freedom of assembly and association shall be guaranteed in the manner prescribed by the law.

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Article 79

The limits imposed on the liberty of making contracts, of labour, or ownership, of meeting and associating, and of incorporating shall be determined by law.

Ukraine, Constitution of the

Article 125

See U.S.S.R. Constitution - Article 126

Union of Soviet Socialist Republics, Constitution of

Article 126

In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the U.S.S.R. are ensured the right to unite in public organizations - trade unions, co-operative associations, youth organizations, sport and defense organizations, cultural, technical and scientific societies.....

Uruguay, Constitution of

Article 38

All persons have the right to associate, whatever may be the object that they pursue, provided they do not form an assembly declared illegal by law.

Article 56

The law shall promote the organization of trade unions, granting them

/franchises

franchises and enacting standards for the recognition of their juridical personality.

It shall promote, furthermore, the creation of tribunals of conciliation and arbitration.

Yugoslavia, Constitution of

Article 27

Citizens are guaranteed the freedom of the press, freedom of speech, freedom of association, freedom of assembly, the freedom to hold public meetings and demonstration.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 2

Freedom of expression and association is vital to the preservation of the basic liberties and the enhancement of the spiritual and material progress of the human race. These rights must be inviolate for those who oppose, no less than for those who support, a ruling party or a regime at any specific moment.

Genuine freedom means the right of association and organization into various, into differing, educational, religious, economic, political and trade union organizations, without fear of the threat of direct or indirect control and compulsion by governmental or any other agencies.

ARTICLE 21

"Every one has the right to establish educational institutions in conformity with conditions laid down by the law."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Cassin (France):

...He points out that the right to education and liberty of teaching are two different things which must not be confused.

Note

This draft carefully distinguishes these two questions. Freedom of education is dealt with in Article 21 while right to education is dealt with in Article 36.

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XVII (paragraph 4 - 5)

The state has the right to fix general standards to which educational institutions must conform, provided that these standards are in accord with other fundamental rights and are the same for public and for private schools.

The right to education involves the right to teach, subject to the restrictions which accompany the right to education.

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

/SECTION III. NATIONAL

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 21

In Afghanistan, instruction in the knowledge of Islam is unrestricted. Every Afghan subject is permitted to impart Islamic religious instruction. Foreigners, however, with the exception of those engaged to teach arts, industries and foreign languages, are not permitted to open and conduct schools in the Kingdom of Afghanistan.

Article 22

The public schools of Afghanistan are under the supervision of the Government, so that the education and culture imparted by these institutions may, without infringing the articles of the Islamic faith, provide the benefits which accrue from the study of literature, art and science. But there will be no interference with principles of education which are concerned with the faith and religion of the "Ahl-i-Zimma."

Argentina, Constitution of Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, travelling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Bolivia, Constitution of Article 6

Every person has the following fundamental rights in conformity with the laws that regulate their exercise:

...6th. To teach under the supervision of the State.

Article 156

Schools of a private character shall be subject to the same authorities, plans, programmes, and official rules. Liberty of religious instruction is recognized.

/Article 157

Article 157

Schools maintained by charitable institutions shall have the co-operation of the State.

Article 158

Primary, secondary, normal, and special educational shall be regulated by the national council of education, which shall have technical and administrative autonomy. The law shall determine its organization and duties.

Brazil, Constitution of

Article 166

Education is the right of everyone, and shall be administered at home and in the school. It shall be inspired by the principles of liberty, and the ideals of human solidarity.

Article 167

Teaching in the different branches shall be administered by the public authorities, and private initiative is free, provided the laws that regulate teaching are respected.

Chile, Constitution of

Article 10

The Constitution insures to all inhabitants of the Republic:

7th. Freedom of instruction. Public education is preferentially an affair of the State.

China, Constitution of

Article 11

The people shall have the freedom of speech, academic instruction, writing and publication.

Colombia, Constitution of

Article 41

(1) The freedom of instruction is guaranteed. However, the State shall inspect and maintain the greatest vigilance over institutions of learning, both public and private, in order to attain the fulfillment of the social purposes of culture and for the better intellectual, moral, and physical development of students.

/Costa Rica,

Costa Rica, Constitution of

Article 68

Every Costa Rican or alien is free to give or receive instruction that he may desire in establishments that are not sustained with public funds.

Cuba, Constitution of

Article 47

Culture in all of its manifestations constitutes a primary interest of the State. Scientific investigation, artistic expression, and the publication of their results, as well as education, are, in this regard, free, without prejudice to the inspection and regulation by the State, established by law.

Article 54

Official or private universities and any other institutions and centres of higher learning may be created. The conditions by which they may be regulated shall be determined by law.

Article 55

Official instruction shall be laic. Centres of private instruction shall be subject to regulation and inspection by the State; however, in all cases the right shall be preserved of imparting, separate from technical instruction, the religious education that may be desired.

Article 56

In all teaching centres, public or private, the teaching of Cuban literature, history and geography, civics and the Constitution, must be imparted by teachers who are Cuban by birth, and by means of text-books by authors who have the same qualification.

Czechoslovakia, Constitution of

Article 120

1. Private establishments for instruction and education are permitted to be set up only within the limits of the law.

2. The supreme authority and control over all instruction and education shall be in the hands of the State.

Ecuador, Constitution of

Article 171

...Municipalities may subsidize private instruction given free of charge.....

/Egypt, Royal Rescript

Egypt, Royal Rescript

Article 17

The right to give instruction is free to all in so far as the instruction given is not contrary to public order or morals.

Greece, Constitution of

Article 16

....Private persons and corporations are allowed to establish private schools conducted in accordance with the Constitution and the laws of the Realm.

Guatemala, Constitution of

Article 81

Private centres of instruction are subject to inspection by the State.....

Honduras, Constitution of

Article 60

Freedom of instruction is guaranteed. Teaching maintained, by public funds shall be laical, and primary instruction, furthermore, shall be free of charge, obligatory, paid for by the municipalities, and subsidized by the State.

Lebanon, Constitution of

Article 10

There shall be no interference with public instruction as long as it is not contrary to public order and morals and does not affect the dignity of the various creeds.

Mexico (United Mexican States), Constitution of

Article 3

Only the State - Federation, States, or municipalities - shall impart primary, secondary, and normal instruction. Individuals desiring to instruct in any of the three preceding grades shall be granted authorization, subject in all cases to the following rules:

1st. The activities and instruction of private educational institutions shall be adjusted, without any exception, to the precepts of the initial paragraph of this article and shall be in charge of persons who, in the opinion of the State, have sufficient professional preparation, the proper morality, and an ideology in accord with these precepts. Therefore, religious organizations, ministers of religious denominations, corporations exclusively or primarily engaged in educational activities, and associations or societies, connected

/directly

directly or indirectly with the propaganda of any religious belief, shall not participate in any form in the primary, secondary, or normal schools, nor may they contribute financially to the same.

2nd. The formation of plans, programmes, and methods of instruction shall in every case belong to the State.

3rd. No private institution of learning may function without previously having obtained, in every case, express authorization from the public authorities.

4th. The State may at any time revoke the authorizations granted. There shall be no redress or judicial appeal against this revocation.

These same standards shall govern education of any type or grade that may be imparted to industrial workers or farm labourers..

The State may, at its discretion and at any time, withdraw the recognition of official validity of studies given to private institutions of learning.....

Nicaragua, Constitution of

Article 56

The granting of academic and professional degrees belongs exclusively to the State which will establish the proofs and requirements necessary to obtain them.

Article 87

The system of instruction is under the technical inspection of the State.

Article 90

The law will regulate professional education, determining the professions that require a previous license for their practice, and the formalities for obtaining them.

Article 133

The State guarantees the liberty of higher education.

/Article 134

Article 134

The sciences, letters, and arts, as well as their instruction, are free when they are not contrary to good habits and public order.

Panama, Constitution of

Article 79

Liberty of instruction is guaranteed. The State may, nevertheless, intervene in private teaching establishments to see that the national and social purposes of culture and the better intellectual, moral, civic, and physical development of those educated are complied with in them.

Article 81

Instruction in the history of the Fatherland and in civic education will always be under the charge of national professors.

Instruction in foreign languages will not be imported in private educational establishments without the permission of the ministry of education, granted for competent reasons of public interest.

Programmes of primary instruction in private schools will be the same as in public schools; but they may be granted permission for the establishment of additional courses in any language.

It is obligatory for private schools to include in their secondary programmes instruction in the history and geography of the Fatherland and in civic education.

Article 85

Only the academic and professional degrees issued by the State or authorized by the latter in accordance with legal provisions may be recognized.

Article 88

Freedom of professorship is recognized without other limitations than those that the university statute establishes for reasons of public order.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:...to instruct.

Article 20

...The regulation and inspection of instruction is a charge of the State.

Peru, Constitution of

Article 80

The State guarantees academic freedom.

Poland, Constitution of

Article 117

...Every citizen has the right to teach, to found a school or educational institution, and to direct it if he complies with the requirements laid down by statutes concerning the qualifications of teachers, the safety of the child entrusted to him, and a loyal attitude toward the state. All school and educational institutions, public as well as private, are subject to supervision by state authorities within the limits prescribed by statutes.

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Syria, Constitution of

Article 19

Education shall be free, in so far as it is not contrary to public order and good morals and is not detrimental to the dignity of the country or of religion.

Article 20

Education shall be directed to raising the moral and intellectual standard of the people on lines best suited to the national characteristics, and the promoting concord and a fraternal spirit among all citizens.

Turkey, Constitution of

Article 80

Instruction of any kind is free within the limits laid down by law under the supervision and control of the State.

Uruguay, Constitution of

Article 59

Freedom of instruction is guaranteed.

/A law shall

A law shall regulate intervention by the State for the sole purpose of maintaining hygiene, morality, security, and public order.

Every parent or guardian has the right to select teachers or institutions he prefers for the instruction of his children or wards.

Article 60

Private institutions of learning that provide classes gratuitously to a number of students and in the form that the law shall determine, as well as cultural institutions, shall be exempted from national and municipal taxes as a subvention for their services.

Yugoslavia, Constitution of

Article 38

Schools are State-owned. The founding of private schools may be permitted only by law and their work is controlled by the State.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A.

American Federation of Labor

No provision.

ARTICLE 22

"Every one has a right to own personal property. His right to share in the ownership of industrial, commercial and other profit-making enterprises is governed by the law of the State within which such enterprises are situated. The State may regulate the acquisition and use of private property and determine those things that are susceptible of private appropriation.

No one shall be deprived of his property without just compensation."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

Mr. Hodgson (Australia):

"...What do we see when we speak of human rights? We refer to, or we have in mind, minorities, nationalities, statelessness, rights of options, property"*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article VIII (paragraph 1, 3, 4, 5)

Every person has the right to own property.

The state may determine by general laws the limitations which may be placed upon the ownership of property, looking to the maintenance of social justice and to the promotion of the common interest of the community.

The right of private property, includes the right to the free disposal of property, subject, however, to limitations imposed by the state in the interest of maintaining the family patrimony.

The right of private property is subject to the right of the state to expropriate property in pursuance of public policy, just compensation being made to the owner.

Cuba

Article 16

The right to immunity from expropriation other than in pursuance of legal proceedings or for the benefit of the community.

Panama (American Law Institute)

Article 10

Every one has the right to own property under general law. The state shall not deprive any one of his property except for a public purpose and with just compensation.

B. Proposals

India

I.c/

Every human being has the right of security including..... and the right to property, subject only to the overriding consideration of public weal when the State or its appropriate organs acquire it after paying equitable compensation.

United States

II. (2)

Among the categories of rights which the United States suggests should be considered are the following:

(a)and rights of property.

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 15

In Afghanistan the movable and immovable property of everyone is protected. In the event of any immovable property being required by Government in the public interests, the value of it will be paid to the owner according to Shariat law and the special code concerned, before it is taken over.

Article 17

Confiscation of both movable and immovable property is forbidden, with the exception of that belonging to persons residing abroad making propaganda or intrigues against the Afghan Government.

Argentina, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, travelling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

/Article 17

Article 17

Property is inviolable, and no inhabitant of the Nation can be deprived thereof except by virtue of a sentence founded on law. Expropriation for reasons of public utility must be authorized by law and previously compensated. The Congress alone imposes the taxes mentioned in Article 4. No personal service can be required except by virtue of a law or sentence based on law. All authors or inventors are exclusive proprietors of their work, invention, or discovery for the term granted them by law. The confiscation of property is stricken out forever from the Argentine penal code. No armed body may make requisitions, or demand assistance of any kind.

Belgium, Constitution of

Article 11

No one may be deprived of his property except for the public good and according to the forms established by law, and in consideration of a just compensation previously determined.

Article 12

Punishment by confiscation of property shall not be established.

Bolivia, Constitution of

Article 121

Work and capital, as factors of production, enjoy the protection of the State.

Article 17

...; expropriation may be effected for purpose of public utility as determined by law and with previous just indemnification.

Property is inviolable provided it fulfills a social function;

Article 15

Confiscation of property shall never be applied as a political punishment.

Brazil, Constitution of

Article 156

The law shall facilitate the settlement of men in the fields, establishing plans for the colonization and use of public lands. For this purpose, nationals, and among them, those living in poor zones and

/the unemployed,

the unemployed, shall have preferences.

Article 141

No. 16. The right of property is guaranteed, except for the case of expropriation for public necessity or utility, or for social unrest, with prior and just indemnification in money. The competent authorities may use private property, in case of imminent peril, such as war or domestic commotion, if the public good so requires, with the right to later indemnification being, nevertheless, assured.

No. 31. There shall be no penalty of....confiscation.

...The law shall provide for the sequestration and loss of property, in the case of illicit enrichment, through influence or through abuse of public office of function, or of employment in an autarchic entity.

No. 17. Industrial inventions belong to their authors, to whom the law shall guarantee temporary privilege, or, if divulging of the invention should be in the collective interest, it shall grant a just reward.

No. 18. Ownership of industrial and commercial trademarks is assured, as well as monopoly in the use of a commercial name.

No. 19. The exclusive right of reproduction shall belong to the authors of literary, artistic, or scientific works. The heirs of authors shall enjoy this right for such time as the law may determine.

Article 147

The use of property shall be conditioned upon social welfare. The law may, with observance of the provisions of Article 141, No. 16, promote the just distribution of property, with equal opportunities for everyone.

Article 146

The Union may, by means of a special law, intervene in the economic sphere or monopolize specified industries or activities. The intervention shall be based upon the public interest, and shall be limited by the fundamental rights assured by this Constitution.

Article 154

Usury, in all forms, shall be punished by law.

/Byelorussian

Byelorussian, Constitution of

Articles 9 and 10

See U.S.S.R. Constitution - Articles 9 and 10

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

10th. Inviolability of all property, without distinction.

No one can be deprived of property under his control, or of any part thereof, or the right he may have to it, except by virtue of a judicial decree or of an expropriation by reason of public interest, conformable to a law. In this case, indemnification, as may be agreed on, or as may be fixed by a corresponding judicial sentence, shall be paid the owner previously.

The exercise of the right of property is subject to the limitations or rules that the maintenance and advancement of the social order demand, and, in this sense, the law may impose obligations or servitudes for public benefit in favour of the State, of the health of the citizens, and of the public welfare.

11th. Exclusive property in every discovery or production, for the time that the law may concede. If the law shall exact expropriation, the author or inventor shall be given suitable indemnification.

Article 18

.....nor in any case may the penalty of confiscation of property be imposed, except forfeiture in the cases established by law.

China, Constitution of

Article 15

The right of existence, the right of work and the right of property shall be guaranteed to the people.

Article 142

National economy shall be based on the Principle of the People's livelihood for equitable distribution of land ownership and control of
/capital

capital in order to obtain a well-balanced development of public economy and private livelihood.

Article 143

All land within the territory of the Republic of China shall in principle belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately owned land shall be liable to taxation according to its value and the government may buy such land according to its value.

If any land has an increase in its value, not through the exertion of labour and the employment of capital, the state shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common.

In the distribution and adjustment of land, the state shall, as a principle, assist self-farming land owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.

Colombia, Constitution of

Article 30

Private property and other rights acquired by just title by natural or juridical persons are guaranteed, in accordance with the civil law, and may not be disavowed or injured by later laws. When the application of a law enacted for reasons of public benefit or social interests results in a conflict of the rights of private persons with the necessity recognized by the same law, the private interest must give way to the public or social interest.

Property is a social function that implies obligations.

Expropriation may be undertaken, for reasons of public benefit or social interest defined by the Legislature, by means of a judicial decision and with previous indemnification.

Nevertheless, the Legislature, for reasons of justice, may determine

/the cases

the cases in which there is not ground for indemnification by a favourable vote of an absolute majority of the members of each Chamber.

Article 35

Literary and artistic property shall be protected as transferable property, during the lifetime of the author and for eighty years thereafter, by means of the formalities prescribed by law.

The same guarantee shall be extended to the owners of works published in countries using the Spanish language, provided that the respective Nations recognize in their legislation the principle of reciprocity, and without the necessity of including any international conventions for this purpose.

Article 34

The penalty of confiscation shall not be inflicted.

Article 33

In case of war, and only for the purpose of re-establishing public order, the need of expropriation may be decreed by authorities who do not belong to the Judiciary, and without previous indemnification.

Real estate alone may be temporarily occupied, in the case mentioned, either to meet the necessities of war or to reserve its products for war, as a pecuniary penalty imposed on its owners in accordance with the law.

The Nation shall always be responsible for expropriations made by the Government directly or by means of its agents.

Article 37

No real estate shall be inalienable or obligations irredeemable in Colombia.

Costa Rica, Constitution of

Article 23

The Republic does not recognize hereditary titles, or venal positions, nor permit the establishment of entailed estates.

Article 29

Property is inviolable; no one can be deprived of his if it is not in the public interest legally proved, and without previous indemnification in

/conformity

conformity with the law. In case of war or internal disturbance, it is not necessary that the indemnification be paid previously.

The Congress may, for reasons of public necessity, by the vote of two-thirds of all of its members, impose limitations on property for social interest.

Cuba, Constitution of

Article 24

Confiscation of goods is forbidden. No one may be deprived of his property except by competent judicial authority and for a cause justified by public utility of social interest, and with mandatory prior payment of the proper indemnification in cash, in the amount judicially determined. In case of failure in compliance with these requirements, the person whose property has been expropriated shall have the right of protection by the tribunals of justice, and as the case may warrant, that of the restoration of his property.

In case of contradiction, the tribunals of justice shall have the power to decide upon the necessity of expropriation, for reasons of public utility or social interest.

Article 46

Within the restrictions stipulated in this Constitution, Cubans shall be free to bequeath one-half of their inheritance.

Article 75

The formation of co-operative enterprises, whether commercial, agricultural, industrial, of the consumer, or any other type, shall be subject to regulation by the law; but the latter shall regulate the definition, constitution, and functioning of such enterprises in order that they shall not serve to evade or abridge the provisions that this Constitution establishes for the regulation of labour.

Article 87

The Cuban State recognizes the existence and legitimacy of private property in the fullest concept of its social function, and with no further
/limitations than

limitations than those that may be established by law for reasons of public necessity or social interest.

Article 88

The subsoil belongs to the State, which may make concessions for its exploitation, in conformity with what the law may establish. Mining property granted and not exploited within the period that the law may fix shall be declared null and shall revert to the State.

Land, forests, and concessions for the exploitation of the subsoil, utilization of waters, means of transportation, and every other enterprise of public service, must be exploited in a manner favourable to the social welfare.

Article 90

Latifundia are outlawed, and in order to effect their disappearance the law shall stipulate the maximum extent of property that each person or corporation may possess for each type of exploitation for which the land may be employed, at the same time taking into account individual circumstances.

Article 95

The property of charitable institutions is declared to be imprescriptible.

Article 96

Those areas of land given by persons of old Spanish nobility for the founding of a town or community, and effectively employed for this purpose, acquiring the character of a municipal government, though afterward occupied or held by the heirs or inheritors of the donor, are declared to be in the nature of a public utility and therefore subject to expropriation by the State, the Province, or the municipality.

The inhabitants of such a town or city, who possess buildings or occupy lots in the settled part, may obtain ownership or possession of the estates or sections of land that they may be occupying, by payment of a fair proportionate price through the expropriating body empowered to transfer the said property to them.

Article 90

The law shall restrictively limit acquisition and possession of land by foreign persons and companies, and shall adopt measures tending to revert the land to Cuban ownership.

Article 91

The father of a family who lives upon, cultivates, and directly exploits a rural property that he owns, provided that the value of the latter does not exceed 2,000 pesos, may declare it of irrevocable character as family property as soon as it may be essential for his living and subsistence,...and said property shall be exempt from taxes and shall be unattachable and inalienable except for responsibilities incurred prior to this Constitution. Improvements that exceed the sum above mentioned shall pay the corresponding taxes in the manner that the law may establish. In order to exploit the said property the owner may mortgage it, or give sowings, plantings, fruits, or products of the same as guarantee.

Article 92

Every author or inventor shall enjoy exclusive ownership of his work or invention, with the limitations stipulated by law as to time and form.

Article 93

No perpetual charges on property in the character of perpetual interest payments or other charges of an analogous nature may be imposed, and, furthermore, the establishment of such charges is prohibited. The Congress shall approve a law regulating the liquidation of the existing charges within a period of three legislative terms.

Perpetual interest payments, or charges established, or which may be established, to the benefit of the State, Province, or municipality, or in favour of public institutions of all kinds or of private institutions of beneficence are excepted from the stipulations of the preceding paragraph.

/Czechoslovakia,

Czechoslovakia, Constitution of

Article 109

1. Private ownership may be restricted only by law.
2. Expropriation is possible only in the basis of law.

Compensation shall be given in all cases unless it is or shall be provided by law no compensation be given.

Denmark, Constitution of

Article 50

Regulations are prescribed by law regarding the right of aliens to possess fixed property in this country.

Article 80

Property ownership is inviolable. No person may be obliged to cede his property unless the public interest so demands. Such session may only occur in accordance with the law and against total compensation.

Dominican Republic, Constitution of

Article 6

The following are established as inherent to the human personality:

11th. The exclusive ownership, for the time and the form that the law determines, of inventions and discoveries, as well as scientific, artistic, and literary productions.

7th. The right of property. This, however, can be taken for a duly justified reason of public utility or social interest, and with previous just indemnification. In cases of public calamity, the indemnification need not be given previously. General confiscation of goods remains prohibited, except as a penalty for persons guilty of treason or espionage in favour of the enemy in time of war with a foreign Nation.

Ecuador, Constitution of

Article 183

The right of private property is guaranteed in sofar as this is compatible with the social function of such property.....

No one may be deprived of the ownership or possession of his estate, save by virtue of a judicial mandate or by legally confirmed expropriation on ground of public expediency.....

/Egypt,

Egypt, Royal Rescript

Article 9

Property shall be inviolable. No person may be deprived of his property except for reasons of public utility in the cases and in the manner prescribed by law and in consideration of fair compensation.

Article 10

Punishment by general confiscation of property is prohibited.

Article 21

Egyptians have the right of association. The law shall lay down rules governing the exercise of this right.

El Salvador, Constitution of

Article 5

All property is transferable in the manner that the laws determine, and in consequence, all kinds of entails are prohibited, except the following:

1st. Trusts, when they may be established in favour of the Nation, of charitable or cultural institutions of the country that exist or that may be created, of incompetent natural persons in conformity with the law for the management of their interests, or of persons who may not have been born but are already in the maternal womb.

2nd. Family property.

Article 18

Confiscation, whether as a penalty, or in any other way, is prohibited. The authorities who violate this provision shall answer at all times with their persons and property for the damage caused; the things confiscated are imprescriptible.

Article 31

Property is inviolable. No person may be deprived of his property except by reasons of public utility, legally proved and after just indemnification. In cases of war, public calamity, the opening of new highways or the modification of existing ones, and the supply of water, the indemnification need not be previous.

When the necessities of an international war may require it, the State

/may intervene

may intervene in the administration of property belonging to nationals of enemy countries; it may dispose of it and apply its income as indemnity of war, according to circumstances and a previous decree in which reasons are expressed. The law shall regulate the form of making these provisions effective.

Article 34

All industry is free, and may be monopolized only for the benefit of the Nation, with the aguardiente, saltpeter, gunpowder business to be administered by the Executive.

There shall be no other monopoly of any kind, or any prohibitions on industrial liberty, even for protection. There are excepted only those relative to the coining of money and to the privileges that, for a limited time, are granted by law to inventors or to those improving any industry.

Ethiopia, Constitution of

Article 27

No person shall have the right to take from an Ethiopian subject any real or personal property in his possession, except in cases of public expediency specified by law.

France, Declaration of the Rights of Man and of the Citizen, 26 August 1789

Article 2

The purpose of all civil association is the preservation of the natural and inprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.

Article 17

The right to property being inviolable and sacred, no one shall be deprived of it except in cases of evident public necessity, legally ascertained and on condition of a previous just indemnity.

France, Constitution of

Paragraph 9

All property and all business whose exploitations has acquired the characteristics of a national public service or a monopoly in fact should become the property of the community.

/Greece,

Greece, Constitution of

Article 17

No one may be deprived of his property except for the public benefit duly proven, when and as the law directs and always after indemnification. The indemnification is always fixed through the judicial channel. In case of urgency it may be provisionally fixed judicially after the beneficiary has been heard or summoned, and the beneficiary may be obliged, at the discretion of the Judge, to give a proportionate guarantee in the manner defined by law. Until the final or provisional indemnification fixed is paid, all the rights of the proprietor are maintained intact, dispossession not being permitted.

Special laws settle the details respecting the proprietorship and disposal of mines, quarries, archaeological treasures, and mineral and running waters.

Guatemala, Constitution of

Article 90

The State recognizes the existence of private property and guarantees it as a social function, without further limitations than those determined by law, for reasons of public necessity or utility or of national interest.

Article 28

All persons may dispose freely of their property, provided that in doing so they do not contravene the law...

Haiti, Constitution of

Article 17

The right of citizens to possess property is guaranteed. Expropriation on grounds of legally established public expediency may only take place on previous payment or assignment to the owner of a proper indemnity.

Possession of property also involves obligations. It must be utilized in the common interest.

The property owner owes a duty to the community to cultivate, work and protect the soil, especially against erosion.

Penalties for non-observance of that obligation shall be prescribed by law.

/Property

Property rights do not extend to springs, rivers and other water courses which belong to the State domain.

The condition governing the use of such waterways shall be prescribed by law.

The law shall limit the maximum extent of this property right.

Honduras, Constitution of

Article 62

Industry and commerce are free; but alcohol, aguardiente, saltpeter, gunpowder, firearms, munitions of war, and explosives used in military practice are to be monopolized for the benefit of the State.

Traffic in sedatives or drugs derived from heroin shall be regulated by law or by international conventions.

Article 63

There shall be no monopolies in favour of private individuals.

Privileges may be granted for a period that does not exceed ten years. A term limited to ninety years may be granted concessions to promote the introduction or improvement of new industries, for immigration, institutions of credit, the opening of routes of communication, or colonization projects.

In the cases above mentioned, only the established regulations and taxes may be suspended, but the public charges for establishment may not be abolished in any case or in any way, in concessions and treaties.

In the concessions it grants or the treaties it makes, the State may not dispense with the payment of municipal taxes.

When the term of a concession relative to colonization, immigration, or the opening of means of communication has elapsed, the enterprise, in full operation and with all its accessories, shall pass to the ownership of the State, without any remuneration.

Article 64

Any person may acquire property and dispose of it by any title, within the limitations established by law.

/Article 73

Article 73

No person shall be deprived of his property except by virtue of a law or by a sentence founded on law.

Article 74

Expropriation of real property, for reasons of public necessity or utility, shall be determined by law or by a judgment founded on law, and shall not be executed without previous indemnification.

Article 75

The right to own property shall not prejudice the right of eminent domain of the State within its territorial boundaries, nor can it supersede the rights maintained by national institutions or works of a national character.

Article 76

Every inventor shall enjoy exclusive property rights in his work or discovery, for the period that the law determines.

Article 77

The right to regain possession of confiscated property is imprescriptible.
Iceland, Constitution of

Article 67

The right of possession is inviolable. No one can be obliged to surrender his property, unless for the benefit of the public weal; this can only be done by law and on full compensation being paid.

Article 68

Paragraph 2. A foreigner's right to possess real property in the country shall be regulated by law.

India, Constitution of

Article 299

1. No person shall be deprived of his property in British India save by authority of law.

2. Neither the Federal nor a Provincial Legislature shall have power to make any law authorizing the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in,

/or in any

or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the matter in which, it is to be determined.

3. No Bill or amendment making provision for the transference to public ownership, of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

4. Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

5. In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.

Iran, The Supplementary Fundamental Laws

Article 17

To deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever is forbidden, save in conformity with the law.

Article 16

The confiscation of the property or possessions of any person under the title of punishment or retribution is forbidden, save in conformity with the law.

Article 15

No property shall be removed from the control of its owner save by legal sanction, and then only after its fair value has been determined and paid.

Article 9

All individuals are protected and safeguarded in respect to their... property..., from every kind of interference, and none shall molest them save in such case and in such a way as the laws of the land shall determine.

/Iraq,

Iraq, Constitution of

Article 10

3rd....the general confiscation of movable property are absolutely forbidden.

1. Rights of ownership shall be safeguarded. No person's goods or property shall be expropriated except for the public benefit, and in the circumstances and in the manner prescribed by law, and on condition that just compensation is paid.

2. Forced loans may not be imposed, nor may goods or property be seized or prohibited goods confiscated, except in accordance with law.

Lebanon, Constitution of

Article 15

Rights of ownership shall be protected by law. No person may be expropriated except on grounds of public utility, in the circumstances defined by law and on condition that fair compensation is paid beforehand.

Liberia, Constitution of

Article 14

The purchase of any land by any citizen or citizens from the aborigines of this country for his or their own use, or for the benefit of others as estate or estates in fee-simple shall be considered null and void to all intent and purpose.

Section 13

Private property shall not be taken for public use without just compensation.

Luxemburg, Constitution of

Article 16

No person may be deprived of his property, except for reasons of public utility, in the cases and in the manner prescribed by law and in consideration for just and prior compensation.

Article 17

The penalty of confiscation of property shall not be established.

Mexico (United Mexican States), Constitution of

Article 22

....confiscation of property, or any other uncommon or unusually severe penalties are prohibited.

/The complete or

The complete or partial application by the judicial authority of the property of a person to the payment of a civil liability resulting from the commission of a crime or for the payment of taxes or fines, shall not be considered as confiscation of property.

Article 27

Ownership of the lands and waters included within the boundaries of the national territory belongs originally to the Nation, which has held and still holds the right to transfer ownership of them to private persons, thereby constituting private property.

Expropriation may be effected only for reasons of public utility and by means of indemnification.

The Nation shall at all times have the right to impose on private property the measures that the public interest dictates, as well as that of regulating the exploitation of natural resources susceptible for use, in order to insure an equitable distribution of public wealth and to guard its conservation. To this end, the necessary measures shall be taken for the sub-division of large rural estates; for the creation of new centres of agricultural population with the lands and waters that may be necessary; for the encouragement of agriculture and the prevention of the destruction of natural resources and property damage detrimental to society. Population centres that may lack lands and waters or do not possess a sufficient amount for the needs of their people shall have the right to be supplied with them, taking them from the surrounding estates, but always respecting the small agricultural properties under cultivation.

The Nation has direct ownership of all minerals or substances.

The waters of territorial seas, to the extent and in the manner fixed by international law, are also the property of the Nation.

The laws of the Federation and of the States in their respective jurisdiction shall determine the cases where the occupation of private property may be of public utility, and, in accordance with said laws, the administrative authority shall make the necessary declaration. The price that
/shall be

shall be fixed as indemnification for the property expropriated shall be based on its assessed value as recorded in the offices of the census or tax collectors, whether this value may have been declared by the owner or simply accepted by him in a tacit manner by having paid taxes on this basis.

14th. The owners affected by decisions that may have been issued in favour of towns, or that in the future may be issued, for apportioning or restoring ejidos or waters shall not have any right of redress or ordinary legal recourse, nor may they institute suit of amparo.

Those affected by the apportionment of lands shall have only the right of applying to the Federal Government in order that the respective indemnification may be paid. Those interested must exercise this right within the term of one year, counting from the date on which the respective resolution was published in the Diario Oficial of the Federation. After expiration of this term no claim shall be admitted.....

Article 28

There shall be in the United Mexican States no monopolies, restraints of trade of any kind, exemption from taxes, prohibitions under the title of protection to industry, excepting only those relative to the coinage of money, to the mails, telegraphs, and wireless telegraphy, the emission of currency by means of a single bank that shall be controlled by the Federal Government.

...and the privileges that may be conceded for a limited time to authors and artists for the reproduction of their works and those granted to inventors for the exclusive use of their inventions and those who perfect inventions of any kind.

Consequently, the law shall severely punish and the authorities shall diligently prosecute any monopoly or concentration in the hands of one or a few, of articles of prime necessity, that has as its object the obtaining of an increase in prices; also any act or measure restraining or tending to restrain free competition in production, industry, commerce, or public services; any agreement or combination of any kind made by producers,

/industrialists

industrialists, merchants, or carriers, or by those engaged in any other service, for the purpose of restraining competition among themselves and obliging consumers to pay exorbitant prices; and, in general, whatever constitutes an undue, exclusive advantage in favour of one or more specified persons to the injury of the public in general or of any social class.

Article 19

.....any tax or contribution in penal institutions are abuses which shall be corrected by law and repressed by the authorities.

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

28th. The laws shall determine the property that constitutes the family patrimony, property that shall be inalienable, that which cannot be subjected to real taxes or attachment and which shall be transmissible by deed of inheritance with simplification of the formalities of inheritance.

Netherlands, Constitution of the

Article 161

The general forfeiture of the goods belonging to an offender may not be inflicted as penalty for any crime.

Article 152

Expropriations for reasons of public utility cannot take place except after a previous declaration by law that public utility requires expropriation and against previous received or previously assured compensation, all in accordance with rules laid down by law.

It shall be determined by law in which cases the previous declaration by law shall not be required.

The requirement that the compensation shall be paid or assured beforehand shall not apply if war, danger of war, riot, fire or flood require that possession be taken immediately.

Article 153

When in the public interest the public authority has to destroy property or render it unserviceable either permanently or temporarily, this shall take place against compensation, unless the contrary is stipulated by law. The use of property for the preparation and effecting of military inundations, if required on account of war or danger of war, shall be regulated by law.

Nicaragua, Constitution of

Article 39

Monopoly for private interest is prohibited, as well as all classes of commercial and industrial control of the market.

Only the law may establish monopolies of the State in the exclusive national interest.

Article 53

The State may nationalize enterprises of public service, by previous indemnification and in conformity with the law.

Article 60

There will be no confiscation of property except from the nationals of an enemy country that confiscates property of Nicaraguans.

The right of recovery of property confiscated in contravention of this guarantee is imprescriptible.

In no case may property be sequestered or interfered with for reasons or offenses of a political character.

Offending authorities will at all times answer to this with their persons and property to the extent of the damage inflicted.

Article 61

All the artistic and historical wealth of the country, irrespective of who may be the owner, constitutes the cultural treasure of the Nation, and enjoys the protection and special care of the State. The latter prohibits its exportation and alienation and may order legal expropriation for its defense and conservation.

Article 62

The State recognizes freedom of contract, of commerce, and industry.

/The law will

The law will designate the requirements to which their exercise is subject and the guarantee accorded them. The law may, when they concern public security or necessity, establish limitations or reservations regarding said exercise, or may authorize the Executive to establish them, seeing to it that such restrictions do not in any case have a personal character or a confiscatory one.

Article 63

Property is inviolable. No one may be deprived of his possessions except by virtue of judicial sentence, general taxation, or because of public utility or social interest determined by law or by a sentence based on law, with proper price indemnification.

In the event of national war, internal disturbance, or public calamity, competent authorities may use private property where the public welfare requires it, always respecting the right to later indemnification.

Article 64

The State guarantees and protects intellectual property, the rights of the author, of the inventor, and the artist. The law regulates their exercise and duration, and if it demands their expropriation, it will be by means of prior appraised indemnification.

Article 65

Property, by virtue of its social function, imposes obligations. The amount of these, their nature, and extent are fixed by the law.

Article 66

The right of property, as concerns its exercise, is subject to the limitations that the maintenance and progress of the social order impose. In harmony with this principle, the law may impose obligations or services of public utility on property in favour of the general interest of the State, of the health of the citizens, and of the public health.

Article 67

Property, regardless of who may be its owner, is exclusively controlled by the laws of the Republic and is subject to the maintenance of public needs, in accordance with the Constitution and the laws.

/Article 68

Article 68

Aliens may in no case demand exceptional treatment in respect to property.

Article 69

The law may, for reasons of public or social interest, establish restrictions or prohibitions on the acquirement and transfer of specified kinds of property, by reason of its nature, condition, or location in the country.

Article 70

The State will be inclined toward the proper division of uncultivated land, and will favour the establishment and diffusion of medium and small rural holdings.

Article 72

Everyone may freely dispose of his property by any legal title whatsoever; but entailment of property is prohibited, as is endowment in favour of mortmain, excepting only those established in order to constitute a family patrimony or in favour of charitable institutions.

Article 85

The law will control the organization and regulation of family inheritance, on the basis that it shall be inalienable, not subject to seizure, and exempt from all public burdens.

Article 94

Usury is prohibited. The law which sets the maximum rate of interest for money is for the benefit of the public. The same law will determine the penalty to be applied to violators.

Norway, Constitution of

Article 104

Forfeiture of lands and goods shall be abolished.

Article 105

If the welfare of the State shall demand that any person shall surrender his movable or immovable property for the public use, he shall receive full compensation from the Exchequer.

Panama, Constitution of

Article 49

In case of war, grave disturbance of public order, or of urgent social interest, that demand rapid measures, the Executive may decree expropriation of occupation of
/private

private property and the indemnification need not be prior.

When restitution of the object seized may be feasible, the seizure will be only for the time in which the circumstances that caused it continue.

The State is always responsible for every expropriation thus carried out by the Executive and for the damage and injuries caused by the seizure and will pay its value as quickly as the reason determining the expropriation or seizure may have ended.

Article 50

Every author or inventor enjoys exclusive property in his work or invention during the time and in the form that the law establishes.

Article 46

There may be expropriation, for reasons of public utility or social interest defined by the law, by means of a judicial decree and previous indemnification.

Article 47

When the application of a law enacted for reasons of public utility or social interest may result in conflict of the rights of private individuals with the need recognized by the law itself, the private interest must give way to the public or social interest.

Article 30

There is no penalty of death, expatriation, or confiscation of property.

Article 45

Private property acquired in accordance with the law by juridical or natural persons is guaranteed, and it may not be denied or injured by later laws.

Private property implies obligations for its proprietor by reason of the social function that it must fulfill.

Paraguay, Constitution of

Article 21

...The law may fix the maximum extent of lands of which one single individual or legally constituted corporation may be owner, and the excess must be sold at public auction or be expropriated by the State for distribution.

The Constitution guarantees private property, the contents and limits of which shall be fixed by law, with reference to its social function. No one may be deprived
/of his prope

of his property except by virtue of a decision based on law. Property in any kind of goods may legally be transferred by means of expropriation for reasons of social utility defined by the law, which shall likewise determine the form of the indemnification.

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:....to dispose of their property...

Article 15

The State shall regulate the national economic life...The State may, with indemnification, nationalize the public services, and may monopolize the production, circulation, and sale of articles of primary necessity.

Article 25

In no case may the death penalty be applied for political reasons, or the penalty of confiscation of property.

Article 24

... Every author or inventor is the owner of his work, invention, or discovery for the term the law may decide.

Peru, Constitution of

Article 16

Monopolies and combines in restraint of trade and industry are prohibited. The law shall fix the penalties to be imposed upon offenders. The law alone may establish State monopolies and privileges in the exclusive national interest.

Article 17

Mercantile companies, national or foreign, are subject without restrictions to the laws of the Republic. In any contract between the State and aliens, or in the concessions that the former may grant in favour of aliens, the express submission of the latter to the laws and tribunals of the Republic and their renunciation of all diplomatic claims must be made clear.

Article 33

Public properties used by everyone, such as rivers, lakes, and public roads, are not subject to private ownership.

/Article 34

Article 31

Property, whoever may be the owner, is governed exclusively by the laws of the Republic and is subject to the taxes, charges, and limitations established in the laws themselves.

Article 34

Property must be used in harmony with the social interest. The limits and nature of the right of property shall be fixed by law.

Article 35

The law may, for reasons of national interest, establish special restrictions and prohibitions for the acquisition and transference of specified kinds of property, on account of the nature, condition, or location of such property in the country.

Article 47

The State shall favour the preservation and growth of moderate and small rural ownership; it may, by means of a law, and prior indemnification, expropriate lands of private ownership, especially those not being exploited, in order to subdivide them or transfer them under conditions that may be regulated by law.

Article 36

Aliens may not, within fifty kilometers of the frontiers, acquire or possess, by any title, lands, waters, mines, or combustibles, directly or indirectly, individually or corporatively, under penalty of losing the acquired property, to the benefit of the State, except in a case of national necessity declared by an express law.

Article 37

Mines, lands, forests, waters, and, in general, all natural sources of wealth belong to the State, except for rights legally acquired. The conditions of their utilization by the State, or their concession, in ownership or usufruct, to private parties, shall be fixed by law.

Article 38

The State, may, by means of a law, take under its charges or nationalize land, maritime, river, lake, and aerial transportation, or other public services of private ownership, with prior indemnification and in conformity with the existing laws.

/Article 41

Article 41

The State shall receive part of the proceeds of mining enterprises, in the amount and proportion that shall be determined for alienating them under the conditions fixed by law.

Article 49

In extraordinary circumstances of social necessity, laws may be enacted or authorized by the Executive for adopting provisions tending to lower the cost of living.

In none of these cases may property be expropriated without just indemnification.

Article 29

Property is inviolable, whether material, intellectual, literary, or artistic. No one may be deprived of his property except by reason of legally established public utility and after justly appraised prior indemnification.

Article 30

The State guarantees and protects the rights of authors and inventors. Their exercise shall be regulated by law.

Article 32

The same provision regarding property applies to aliens as well as Peruvians, except that in no case may said aliens make use of their exceptional positions or resort to diplomatic appeals.

Article 82

Archeological, artistic, and historical treasures are under the safeguard of the State.

Philippines, Constitution of

Article 13

Section 1. All agricultural, timber and mineral lands of the public domain, waters minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this /Constitution.

Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

Section 2. No private corporation or association may acquire, lease or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

Section 3. The National Assembly may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

Section 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Section 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except by individuals, corporations or associations qualified to acquire or hold lands of the public domain of the Philippines.

Section 4. The National Assembly may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

Article 14

Section 4. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

/Article 3

Article 3

Section 1. (2) Private property shall not be taken for public use without just compensation.

Section 1. (19) Excessive fines shall not be imposed.

Poland, Constitution of

Article 99

(Paragraph 1) The Republic of Poland recognizes all property, whether belonging personally to individual citizens or collectively to association of citizens, institutions, self-government organizations, or the state itself, as one of most important bases of social organization and legal order, and guarantees to all citizens, institutions and associations, protection of their property, permitting only in cases provided by a statute the abolition or limitation of property, whether personal or collective, for reasons of higher utility, against compensation. Only a statute of public utility, shall form the exclusive property of the state, and in how far rights of citizens and of their legally recognized associations to use freely land, waters, minerals, and other treasures of nature, may be subject to limitations for public reasons.

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.

Sweden, Constitution of

Article 16

....The King shall not deprive anyone or allow anyone to be deprived of any real or personal property without trial and judgment in accordance with the provisions of the Swedish law and statutes....

Syria, Constitution of

Article 13

Rights of ownership shall be protected by law, no person may be expropriated, except on grounds of public utility and in the circumstances defined by law, and on condition that fair compensation is paid beforehand.

Article 14

General confiscation of property is forbidden.

/Turkey, Constitution of

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech, and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Article 71

The life, property, honour and residence of each individual are inviolable.

Article 73

Torture, bodily mistreatment, confiscation and forced labour are prohibited.

Article 74

No person may be deprived of his possessions and property or have them expropriated unless he has first been indemnified in cash for the value of the property in accordance with the pertinent laws.

The expropriation indemnity and the manner of payment of such indemnity and land or forest to be expropriated in order to make the farmer proprietor of land and to place administration of forests under the State, shall be determined by special laws.

No person shall be constrained to make any sort of sacrifice except such as may be imposed in kind, or money, or in the form of labour in extraordinary circumstances and in conformity with the law.

Ukraine, Constitution of

Articles 9 and 10

See U.S.S.R. Constitution - Articles 9 and 10.

Union of Soviet Socialist Republics, Constitution of

Article 9

Alongside the socialist system of economy, which is the predominant form of economy in the Union of Soviet Socialist Republics, the law permits the small private economy of individual peasants and handicraftsmen based on their personal labour and precluding the exploitation of the labour of others.

/Article 10

Article 10

The rights of citizens to personal ownership of their incomes from work and of their savings, of their dwelling houses and subsidiary household economy, their household furniture and utensils and articles of personal use and convenience, as well as the right of inheritance of personal property of citizens, is protected by law.

United States of America, Constitution of

5th Amendment

....nor shall private property be taken for public use without just compensation.

Uruguay, Constitution of

Article 47

The right of succession shall be guaranteed within the limits established by law. The direct ascending and descending lines shall have preferential treatment in positive law.

Article 32

Intellectual work, the right of an author, an inventor, or an artist, shall be recognized and protected by law.

Article 31

Property is an inviolable right, but subject to the provisions of the laws that may be established for reasons of general interest.

No person shall be deprived of his right to own property except in cases of public necessity or utility established by law, and always first receiving just compensation from the national treasury.

When expropriation is declared because of public necessity or utility, property owners shall be indemnified for the injuries and damage they suffer by reason of the delay in effecting the expropriation or not doing so.

Article 14

Punishment by confiscation of property shall not be inflicted for reasons of a political character.

Article 33

All artistic or historic wealth of the country, regardless of who may be its owner, constitutes the cultural treasure of the Nation; it shall be /under the

under the guardianship of the State, and the law shall determine what is considered necessary for its protection.

Article 51

Usury is prohibited. The law that provides the maximum rate of interest on loans is of a public character. It shall determine the penalty to be applied to transgressors....

Yugoslavia, Constitution of

Article 18

Private property and private initiative in economy are guaranteed.

The inheritance of private property is guaranteed. The right of inheritance is regulated by law.

No person is permitted to use the right of private property to the detriment of the people's community.

The existence of private monopolist organizations such as cartels, syndicates, trusts and similar organizations created for the purpose of dictating prices, monopolizing the market and damaging the interests of the national economy, is forbidden.

Private property may be limited or expropriated if the common interest requires it, but only in accordance with the law. It will be determined by law in which cases and to what extent the owner shall be compensated.

Under the same conditions individual branches of national economy or single enterprises may be nationalized by law if the common interest requires it.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 23

"No one shall be required to pay any tax or
be subjected to any public charge that has not been
imposed by the law."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR
PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 25

Fixed revenues and taxes are recovered in accordance with a
separate Code.

Article 26

Nothing may be recovered from anyone beyond what is laid down in the
Government Codes.

Argentina, Constitution of

Article 17

The Congress alone imposes the taxes mentioned in Article 4.

/Bolivia, Constitution of

Bolivia, Constitution of

Article 20

No tax is obligatory unless it has been established by the Legislature in conformity with the prescriptions of this Constitution. Plaintiffs may establish suit before the respective judicial authority against illegal taxes. Municipal taxes are obligatory when the requirements formulated by this Constitution have been observed in their establishment.

Article 21

All persons are equally obliged to pay taxes and public charges. Their creation, distribution, and abolition shall have a general character and should be determined in relation to the financial capacity of those contributing.

Brazil, Constitution of

Article 141

No.34. No tax shall be demanded or increased except as the law shall establish; and none shall be collected without previous budgetary authorization in each fiscal year, excepting, however, the customs tariff and taxes levied by reason of war.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

9th. The equal apportionment of imposts and taxes in proportion to property, or in graduation or form as fixed by law; and the equal apportionment of other public charges.

Direct or indirect taxes may be imposed only by law, and without its special authorization every authority of the State and every individual is prohibited from imposing them, even though it be under pretext of urgency, of being in voluntary form, or of any other nature.....

China, Constitution of

Article 19

The people shall have the duty of paying taxes in accordance with law.

Colombia, Constitution of

Article 43

Only the Congress, the departmental assemblies, and the municipal councils may, in time of peace, impose taxes.

/Czechoslovakia, Constitution of

Czechoslovakia, Constitution of

Article 111

1. Taxation and public levies generally may be imposed only by law.
2. Likewise only by law may fines and punishment be prescribed and imposed.

Ecuador, Constitution of

Article 182

Taxes or other public charges may be levied only by virtue of a law and in proportion to the economic capacity of the taxpayer.

El Salvador, Constitution of

Article 6

No taxes shall be levied except by virtue of a law, and for the public service.

France, Declaration of the Rights of Man and of the Citizen, 26 August 1789

Article 14

Every citizen has a right, either of himself or his representative, to a free voice in determining the necessity of public contribution, the appropriation of them and their amount, mode of assessment and duration.

Article 13

A common contribution being necessary for the support of the public force and for defraying the other expenses of government, it should be divided equally among the members of the community according to their abilities.

Honduras, Constitution of

Article 72

Proportionality shall be the basis of direct taxes.

Article 78

Only the Congress may impose taxes and other public charges.

Iceland, Constitution of

Article 77

Taxation shall be regulated by law.

Iran, Constitution of

Article 11

No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

Liberia, Constitution of

Article 1

Section 16. No subsidy, charge, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the Legislature.

/Netherlands,

Netherlands, Constitution of

Article 175

No taxes may be levied on behalf of the Exchequer of the Realm, except by virtue of a law.

Nicaragua, Constitution of

Article 38

There will be no personal privileges in the matter of taxes and other public charges.

Imposts and taxes will be established in proportion to the value of property or in the progression or form that the law fixes.

The tax system will tend toward direct levy.

Article 37

Only for reasons of public interest or service, and by virtue of a law, may taxes be levied and their payment exempted either in whole or in part.

Article 221

When the Republic finds itself involved in an international war or in an internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

1st. The inviolability of human life.

2nd. The prohibition against being tried by judges not recognized by the law.

3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.

4th. The prohibition against retroactive or confiscatory laws; and

5th. The levying of taxes.

In respect to taxes, the President, in Council of Ministers, may, by decree, levy taxes of a general character if an international or civil war has already started.

/Nicaragua.

Nicaragua, Constitution of (Continued)

Article 221

Such decree will state:

1st. The reason for justifying its issue.

2nd. The designation of the guarantee or guarantees restricted or suspended; and

3rd. The territory affected by the suspension or restriction...

Article 51

Every service must be remunerated except those that must be furnished gratuitously by virtue of the law or of a sentence founded on it.

Panama, Constitution of the Republic of

Article 48

No one is obliged to pay a tax or impost that is not legally established and the collection of which is not made in the form prescribed by the laws.

Article 41

No tax or assessment will be established for the exercise of the liberal professions, trades, and arts.

Paraguay, Constitution of

Article 7

Equality is the basis of public taxation. The Government provides for the expenses of the State by the proceeds of the imposts, contributions, and assessments created by law, the sale or leasing of public lands, the exploitation of mines, the utilities arising from public services and monopolies under the charge of the State, and loans and other credit operations.

Peru, Constitution of the Republic of

Article 8

The law may create, alter, or suppress taxes, and exempt their payment in whole or in part for public services only.

Article 31

Property, whoever may be the owner, is governed exclusively by the laws of the Republic and is subject to the taxes, charges, and limitations established in the laws themselves.

/Article 40

Article 40

The State recognizes the freedom of commerce and industry. The law shall indicate the requisites to which the exercise of such freedom is subject and the guarantees granted it. When public security or necessity require it, the law may establish limitations or reservations in said exercise, or may authorize the Executive to establish them, but in no case may such restrictions have a personal or confiscatory character.

Sweden, Constitution of

Article 57

The ancient right of the Swedish nation to tax themselves shall be exercised by the Riksdag alone.

The manner in which separate communities shall tax themselves for their own needs shall be determined by communal laws to be enacted by the King and the Riksdag jointly.

Turkey, Constitution of

Article 85

Taxes may be levied and collected only by virtue of a law. However, the collecting of such taxes as have been customarily levied by the State or by provincial and municipal administrations shall be continued pending the enactment of new laws.

Article 84

Taxes shall be understood to be the participation of the people in the general expenditures of the State. The collection of toll, tithes, or any kind of taxes in a manner incompatible with the aforesaid principle by individuals or corporations or in their behalf is prohibited.

United States of America, Constitution of

8th Amendment

Excessive bail shall not be required, nor excessive fines imposed ...

Article 1, Section 8, Clause 1

The Congress shall have the power to lay and collect taxes ...

16th Amendment

The Congress shall have power to lay and collect taxes on incomes ...

/Uruguay,

Uruguay, Constitution of

Article 34

No person shall be obliged to render aid, of any kind whatever, to armies, or to offer his house for the quartering of soldiers, unless on the order of a civil magistrate according to law, and he shall receive an indemnification from the Republic for the losses suffered in such cases.

Yugoslavia, Constitution of

Article 42

All citizens shall pay taxes in proportion to their economic capacity.

Public taxes and duties and exemptions from them are established only by law.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 24

"There shall be equal opportunity of access
to all vocations and professions not having a public
character."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridicial Committee) Article XIV (paragraph 2)

This right includes the right to choose freely a vocation,
insofar as the opportunities of work available make this possible, as
well as the right to transfer from one employment to another and to
move from one place of employment to another. Associated with the
right to work is the right to form labour and professional unions.

Cuba - No provision.

Panama - No provision.

B. Proposals

India - No provision.

United States - No provision.

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 12

Afghan subjects are free, within the limits of the appropriate
regulations, in all matters relating to trade, industry and agriculture.

Bolivia, Constitution Article 6

Every person has the following fundamental rights in conformity with
the laws that regulate their exercise:

2. To engage in work, commerce, or industry under conditions that
do not injure the collective welfare.

Brazil, Constitution Article 141

No. 14. The practice of any profession shall be free, observing the
conditions of capacity that the law may establish.

/Article 161

Article 161

The law shall regulate the exercise of the liberal professions, and the revalidation of diplomas issued by foreign educational institutions.

Article 146

The Union may, by means of a special law, intervene in the economic sphere or monopolize specified industries or activities. The intervention shall be based upon the public interest, and shall be limited by the fundamental rights assured by this Constitution.

Colombia, Constitution of

Article 40

Only those who have a professional degree may in the future be inscribed as attorneys.

No one may legally represent his own or another's case if he is not an inscribed attorney. Nevertheless, the law may establish exceptions.

Article 39

Every person is free to choose a profession or trade. The law may require certificates of competence and may regulate the exercise of professions.

The authorities shall inspect professions and trades in matters relating to morality, safety, and public health.

The law may restrict the production and consumption of liquors and alcoholic beverages.

The law may also order the revision and supervision of rates and regulations for transportation enterprises and other public services.

Costa Rica, Constitution of

Article 62

Under equality of conditions employers and public or private enterprises have the obligations of giving preference to Costa Rican workers. In the cases occurring, the law shall fix the minimum proportion of native workers, giving consideration not only to their number but also to the total amount of salaries or wages paid them.

/Cuba, Constitution of

Cuba, Constitution of

Article 70

Official obligatory collective organization is established in the practice of university-trained professions. The law shall determine the form of the organization and functioning of such bodies, by a higher organization of national character, and by the local organizations that may be necessary, in a manner such that they may be regulated with full authority by the majority of their colleagues.

The law shall also regulate the obligatory collective organization of the other professions recognized officially by the State.

Article 73

The majority of persons participating in labour shall be Cubans by birth as much as regards to total amount of wages and salaries as in the distinct categories of labour, in the form determined by law.

Protection shall also be extended to naturalized Cubans with families born in the national territory, with preference over naturalized citizens who do not meet these conditions, and over aliens.

The stipulations in the preceding paragraphs concerning aliens shall not be applied in the filling of indispensable technical positions, subject to the prior formalities of the law, and with provision that apprenticeship in the technical work in question be facilitated for native Cubans.

Czechoslovakia, Constitution of

Article 108

Every citizen of the Czechoslovak State may.....carry on any calling for the purpose of earning profits within the limits of the law.

This right shall only suffer restriction in the public interests and on the basis of law.

Denmark, Constitution of

Article 81

All restrictions on free and equal access to employment which are not justified by the public welfare shall be abolished by law.

Ecuador, Constitution of

Article 181

The freedom of exercising professions is guaranteed or prescribed by law....

Article 187

The State shall guarantee to the inhabitants of Ecuador:

(10) freedom of work, trade and industry.....no one shall be compelled to work without a contract and the corresponding remuneration.....

El Salvador, Constitution of

Article 24

All the industry is free, and may be monopolized only for the benefit of the Nation, with the aguardiente, saltpeter, and gunpowder business to be administered by the Executive.

There shall be no other monopoly of any kind, or any prohibitions on industrial liberty, even for protection. There are excepted only those relative to the coining of money and to the privileges that, for a limited time, are granted by law to inventors or those improving any industry.

Haiti, Constitution of

Article 18

The freedom of labour shall be exercised under the control and supervision of the State and subject to the conditions prescribed by law. Nevertheless, only natural born Haitians may engage in retail trade, practice handicrafts and pursue all other commercial and professional activities as determined by law.

Honduras, Constitution of

Article 63

There shall be no monopolies in favour of private individuals.

Privileges may be granted for a period that does not exceed ten years. A term limited to ninety years may be granted concessions to promote the introduction or improvement of new industries, for immigration, institutions of credit, the opening of routes of communication, or colonization projects.

In the cases above mentioned, only the established regulations and taxes may be suspended, but the public charges for establishment may not be abolished in any case or in any way, in concessions and treaties.

In the concessions it grants or the treaties it makes, the State may not dispense with the payment of municipal taxes.

When the term of a concession relative to colonization, immigration, or the opening of means of communication has elapsed, the enterprise, in

/full

full operation and with all its accessories, shall pass to the ownership of the State, without any remuneration.

Iceland, Constitution of

Article 69

No restrictions on the freedom of trade can be made except by law or for reasons of public welfare.

Mexico, (United Mexican States) Constitution of

Article 4

No person may be prevented from engaging in the profession, industry, commerce, or labor which suits him, provided it is lawful. The exercise of this liberty may be suspended only by judicial action, when the rights of third parties are attacked, or by governmental order issued in the terms that the law indicates when the rights of society are infringed. No one may be deprived of the product of his labour except by judicial determination.

The law shall determine in each State which are the professions that require a license for their practice, the conditions that must be fulfilled to obtain it, and the authorities to issue it.

Nicaragua, Constitution of

Article 57

The acceptance of foreign professionals must be made on the basis of possible reciprocity. The law will regulate this provision.

Article 96

The State guarantees, within this concept, freedom of labour in order that one may freely dedicate himself to the profession, industry, or trade that each finds suitable, provided that it does not oppose public morality, health, and security.

Vagrancy is punishable.

Article 52

The State may, for purposes of general interest, intervene in the exploitation and control of enterprises of public service.

Norway, Constitution of

Article 101

New and permanent privileges implying restrictions on the freedom of trade and industry may not be granted to any one in the future.

/Panama,

Panama, Constitution of

Article 41

Every person is free to exercise any profession or occupation. Their exercise remains subject to the regulations that the law establishes relative to capacity, morality, security, and public health.

Paraguay, Constitution of

Article 33

Nationals are admissible to any employment with no other condition than that of fitness, and aliens are subject to the limitations that the laws may establish.

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise: to choose an occupation...

Article 20

The law shall determine which are the professions that need diplomas for their practice, the conditions that must be fulfilled in order to obtain said diplomas, and the authority that shall confer them.

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise: to work and to practice any legitimate trade or industry, except for the limitations that, for social and economic reasons of national interest, the law may impose.

Peru, Constitution of

Article 42

The State guarantees freedom of labour. Any profession, industry or business that may not be opposed to morality, health, or public security, may be practiced freely.

Poland, Constitution of

Article 101

Every citizen has the liberty....to choose his occupation and profession... These rights may be restricted only by statute.

Siam, Constitution of

Article 14

Subject to the provisions of the law, every person enjoys full liberty
/of person,

of person, abode, property, speech, writing, publication, education,
public meeting, association and vocation.

Uruguay, Constitution of

Article 35

Every person has the right to devote himself to work, cultural pursuits,
industry, commerce, a profession, or any other lawful activity, within the
limitations of the general interest that the laws may establish.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A.

American Federation of Labor - No provision.

ARTICLE 25

"Everything that is not prohibited by the law is permitted".

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision.

Cuba

No provision.

Panama

No provision.

B. Proposals

India

No provision.

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Argentina, Constitution of

Article 19

No inhabitant of the Nation shall be obliged to do what the law does not command nor deprived of what it does not forbid.

The private actions of men that in no way offend public order or morality, nor hurt a third party, are reserved only to God, and are exempt from the authority of the magistrates.

Bolivia, Constitution of

Article 29

No person shall be obliged to do what the Constitution and the laws do
/not require,

not require, not be deprived of what they do not prohibit.

Article 33

The declarations, rights, and guarantees that this Constitution enumerates shall not be understood as a denial of other rights and guarantees not mentioned, which may originate in the sovereignty of the people and in the republican form of Government.

Brazil, Constitution of

Article 144

The specification of the rights and guarantees expressed in this Constitution does not exclude other rights and guarantees flowing from the regime and from the principles which it adopts.

Article 141

#2. No one may be obliged to do or refrain from doing anything except by virtue of the law.

Colombia, Constitution of

Article 20

Private persons are responsible to the authorities only for infraction of the Constitution or of the laws. Public officials are also responsible for the same infractions and for exceeding their powers or for omissions in the exercise of them.

Costa Rica, Constitution of

Article 36

No one can be disturbed or prosecuted for any act that does not infringe the law, or for the declaration of his political opinions.

No one, however, may deliver, in any form, political propaganda, through clergymen or laymen, invoking motives of religion or making use, as a means, of the religious beliefs of the people.

Article 50

Private actions that do not touch public morality or order, or that do not produce harm or injury to a third party, are outside of the jurisdiction of the law.

Dominican Republic, Constitution of

Article 7

The enumeration contained in Article 6 is not restrictive, and

/therefore

therefore does not exclude the existence of other rights of similar nature.

Note: Article 6 refers to Individual Rights.

Article 88

No one can be obliged to do that which the law does not command, or be impeded from doing that which the law does not prohibit.

France, Declaration of the Rights of Man and of the Citizen 1789

Article 5

The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should anyone be compelled to that which the law does not require.

Article 8

The law should impose only such penalties as are absolutely and evidently necessary; and no one ought to be punished but by virtue of the law promulgated before the offence and legally applied.

Guatemala, Constitution of

Article 23

2. No person may be hindered in that which the law does not prohibit.

Nicaragua, Constitution of

Article 41

No person will be obliged to do that which the law does not order, or be prevented from doing that which it does not prohibit.

Paraguay, Constitution of

Article 30

No inhabitant shall be obliged to do anything the law does not command him to do, nor shall he be deprived of what the law does not prohibit.

Peru, Constitution of

Article 24

No one is obliged to do that which the law does not require, or may be impeded from doing what it does not prohibit.

Uruguay, Constitution of

Article 63

The enumeration of rights, duties, and guarantees made by the Constitution does not exclude others that are inherent in the human personality or that may be derived from the republican form of government.

Article 10

Private actions of persons not interfering in any way with public order or injuring a third party are exempt from the authority of the magistrates.

No inhabitant of the Republic shall be obliged to do what the law does not command, nor be prevented from doing what it does not prohibit.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No Provision

ARTICLE 26

"No one shall be convicted of crime except by judgment of a court of law for violation of a law in effect at the time of the commission of the act charged as an offense, nor be subjected to a penalty greater than that applicable at the time of the commission of the offense."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XII

Every person accused of crime shall have the right to a fair public hearing of the case, to be confronted with witnesses, and to be judged by established tribunals and according to the law in force at the time the act was committed. No fines shall be imposed except in accordance with the provisions of general laws.

Cuba Article 18

The right to trial without undue delay, to self defense, and to protection from sentences except in pursuance of laws in force prior to the act with which he is charged.

Panama (American Law Institute) Article 9

No one shall be convicted of crime except for violation of a law in effect at the time of the commission of the act charged as an offense, nor be subjected to a penalty greater than that applicable at the time of the commission of the offense.

B. Proposals

India

No provision

United States

No provision

/SECTION III

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 11

There is no interference with personal liberty. No one is imprisoned or punished without an order in accordance with the Shariat or the appropriate laws. The practice of slavery is forbidden in Afghanistan. No male or female may keep any person as a slave.

Argentina, Constitution of

Article 18

No inhabitant of the Nation may be punished without previous trial, based on an earlier law than the date of the offense, nor tried by special commissions, nor removed from the judges designated by law before the date of the trial. No one can be compelled to testify against himself or be arrested except by virtue of a written order from a competent authority. The defense, by trial, of the person and of rights is inviolable. The domicile is inviolable, as also epistolary correspondence and private papers; and a law shall determine in what cases and for what reasons their search and seizure will be allowed. The penalty of death for political offenses, all kinds of torture, and whipping, are forever abolished. The prisons of the Nation shall be healthy and clean, for the safety and not for the punishment of the prisoners confined in them; and any measure that under pretext of precaution inflicts on them hardship beyond what the Nation demands, will bring responsibility upon the judge who authorizes it.

Belgium, Constitution of

Article 9

No penalty shall be established or enforced except in pursuance of law.

Article 7, paragraph 2

No one may be prosecuted except in cases provided for by law and in the form therein prescribed.

Article 8

No person shall be removed against his will from the jurisdiction of the judge to whom the law assigns him.

/Bolivia,

Bolivia, Constitution of

Article 14

No person is obliged to testify against himself in criminal cases, nor shall his relatives to the fourth degree of consanguinity inclusive or of the second of affinity be so required.

Article 31

The law provides only for future circumstances and does not have retroactive effect.

Article 24

Only the Legislature has power to amend and modify the codes, as well as to enact regulations and provisions regarding judicial proceedings.

Article 13

No person shall be tried by special commissions or submitted to judges other than those previously designated for such suits.

Brazil, Constitution of

Article 141

27. No one shall be prosecuted or sentenced except by a competent authority and in the form of a previous law.

Article 14

29. Penal law shall be retroactive only when it shall so benefit the accused.

Article 141

28. The institution of the jury is maintained with the organization that the law may give to it, provided that the number of its members shall be always odd and the secrecy of its voting shall be guaranteed, as shall be the fullness of the defence of the accused and the sovereignty of the verdicts. The judgment of treacherous crimes against life shall obligatorily be within its competence.

Colombia, Constitution of

Article 28

No person shall, even in time of war, be punished ex post facto except in accordance with a law, order, or decree in which the act has been previously prohibited and corresponding punishment determined.

/If there are

If there are serious reasons to fear a disturbance of the public order, this provision shall not prevent, even in time of peace, the arrest and detention, by order of the Government upon previous advice of Ministers, of any person suspected with good reason of attempting to disturb the public peace.

Article 26

.....In criminal matters, the law favourable to the defendant, even if enacted after the commission of the alleged offense, shall be applied in preference to the restrictive or unfavourable law.

Costa Rica, Constitution of

Article 26

The law has no retroactive effect.

Article 38

Jurisdiction in civil and criminal trials is exclusive in the authorities established by law. No commission, tribunal, or judgeship may be created for specified trials, nor shall anyone be subjected to military jurisdiction except individuals of the army and only for the crimes of sedition and rebellion, and for those who commit them while being in active service or when required to lend such service; also for offenses against discipline, and any others committed in campaign, in which cases they shall be judged according to the military ordinance.

Article 42

No one shall be made to suffer any punishment without having been heard, and convicted in a trial, and without having been sentenced by an executory sentence by a judge or competent authority. Bodily restraint, non-appearance and other matters of this nature in civil cases and those of fine or arrest in police cases are excepted.

Article 43

Punishment can be imposed on no one except by a pre-existent law that names the crime or offense committed.

/Article 39

Article 39

In a criminal matter, no one is obliged to testify against himself; nor can he testify in the status of a witness against his mate, ancestors, descendants, or other relatives within the third degree of consanguinity or the second of affinity.

Cuba, Constitution of the Republic of

Article 22

No other laws shall have retroactive effect unless the law itself so provides for reasons of public order, social utility, or national necessity, as may be expressly stipulated in that law by a vote of two-thirds of the total number of members of each co-legislative body. If the basis of the retroactivity should be impugned as unconstitutional, it shall be within the jurisdiction of the tribunal of constitutional and social guarantees to decide upon the same, without the power of refusing to render decision because of form or for any other reason.

In every case the same law shall concurrently establish the degree, manner, and form of indemnification for injuries, if any, and of retroactivity affecting rights legitimately acquired under the protection of prior legislation.

The law giving the protection afforded by this article shall not be valid if it produces effects contrary to the provisions of Article 24 of this Constitution.

Article 21

Penal laws shall have retroactive effect when favourable to the offender. This advantage is denied in cases of perpetration of fraud by public officials or employees who may be delinquent in the exercise of their office, and of persons responsible for electoral crimes and crimes against the individual rights guaranteed by this Constitution. The penalties and qualifications of the law in force at the moment of the offense shall be applied to those found guilty of these crimes.

Czechoslovakia, Constitution of

Article 94

2. No one shall be tried other than before his legal judge.

Ecuador, Constitution of

Article 169

.....No one may be removed from the jurisdiction of his proper judges; nor punished without previous trial; in accordance with a law passed prior to the act committed.....nor deprived of the right of defense at any stage of his trial

Article 187

The State shall guarantee to the inhabitants of Ecuador:

.....(2) the right of every individual ... to be considered innocent unless proved guilty according to the laws.

Egypt, Royal Rescript No. 42 of 1923

Article 6

No offence and no penalty may be established, save in pursuance of the law.

Article 6

Penalties may only be inflicted in respect of offences committed after the law providing for them has been promulgated.

El Salvador, Constitution of

Article 20

No person may be deprived of his life, or his liberty, or of his property without previously being heard and convicted in a trial in accordance with the laws; nor may anyone be prosecuted twice, civilly or criminally, for the same cause.

Article 22

No individual shall be tried in another jurisdiction than that where the crime was committed, except in the cases determined by law, or in those in which the law itself authorizes the court of justice to designate another jurisdiction.

Article 24

The laws cannot have retroactive effect, except in penal matters when the new law may be more favourable to the offender.

/Article 27

Article 27

No power or authority may remove pending cases to another court or open terminated cases.

Article 25

No one may be tried except by laws enacted prior to the offense and by a tribunal that the law had previously established.

Article 26

The same judge may not take cognizance of the same case on appeal.

Ethiopia, Constitution of

Article 24

No Ethiopian subject may, against his will, be deprived of the right to trial by the legally established tribunal.

France, Declaration of the Rights of Man and of the Citizen 1789 Article 8

The law should impose only such penalties as are absolutely and evidently necessary; and no one ought to be punished but by virtue of the law promulgated before the offense and legally applied.

Article 7

No one shall be accused, arrested or imprisoned save in the cases determined by law and according to the forms which it has prescribed. All who solicit, promote, execute or cause to be executed arbitrary orders ought to be punished and every citizen summoned or apprehended by virtue of the law ought immediately to obey and becomes culpable if he resists.

Greece, Constitution of

Article 7

No punishment may be inflicted unless previously fixed by law.

Guatemala, Constitution of

Article 52

No one may be condemned without having been accused, heard and brought to trial.

Article 49

Acts of omission or commission that are not qualified as crimes or offenses and subject to a penalty by a law prior to their perpetration are not punishable. Penal laws shall have retroactive effect when they may be
/favourable

favourable to the offender. Other laws shall not have retroactivity, except for reasons of public order and social utility, or of national necessity, expressly indicated in the law by a vote equal to two-thirds part of the total number of deputies that compose the Congress.

Haiti, Constitution of

Article "D"

The principle of non-retroactivity of laws does not preclude all such measures of reconstruction and punishment as are dictated by the national interest being taken within legal limits and in respect of the period of five years immediately preceding the present Constitution.

Article 15

No law may have retroactive effect except in penal cases where it favours the delinquent.

Article 13

No person may be removed from the jurisdiction of his proper judges under the constitution or the law. Accordingly, a civilian cannot be tried by any military court whatsoever, nor may a military person be tried elsewhere than in the common law courts for common law offenses; and an exception is made in the case of a legally declared state of emergency.

Article 16

Penalties may only be established by law and may be applied only in the cases determined by law.

Article 24

Juries shall be established in the cases prescribed by law in respect of crimes and of political offenses committed through the medium of the press or otherwise.

Honduras, Constitution of

Article 54

No law shall have retroactive effect, except in criminal matters when the new law favours the offender or indicted person.

Article 43

No person shall be tried by special commissions or by other judges than those designated by law.

/Article 45

Article 45

In criminal suits no person shall be obliged to testify against himself, against his spouse, or against his relatives within the fourth degree of consanguinity, or the second of affinity.

Lebanon, Constitution of

Article 8

No offense may be established and no penalty imposed except by law.

Liberia, Constitution of

Article I

Section 6. Every person injured shall have remedy therefor, by due course of law; justice shall be done without sale, denial or delay; and in all cases, not arising under martial law, or upon impeachment the parties shall have state right to a trial by jury, and to be heard in person or by counsel, or both.

Section 7. No person shall be held to answer for a capital or infamous crime, except in cases of impeachment, cases arising in the army or navy, and petty offenses, unless upon presentment by a grand jury; and every person criminally charged, shall have a right to be seasonably furnished with a copy of the charge, to be confronted with the witness against him, to have compulsory process for obtaining witnesses in his favour; and to have a speedy, public and impartial trial by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself; and no person shall for the same offense, be twice put in jeopardy of life and limb.

Section 8. No person shall be deprived of life, liberty, property or privilege, but by judgment of his peers or the law of the land.

Section 18. No person, can in any case, be subject to the law martial, or to any penalties or pains, by virtue of that law (except those employed in the army or navy, and except the militia in actual service) but by the authority of the Legislature.

Luxembourg, Constitution of

Article 13

No person may against his will be removed from the jurisdiction of the judges assigned to him by law.

/Article 14

Article 14

No penalty may be introduced or applied except in pursuance of the law.

United Mexican States, Constitution of the

Article 14

No law shall be given retroactive effect to the prejudice of any person.

No person may be deprived of life, liberty, or his property, possessions, or rights except by means of a direct judgment before previously established tribunals, in which the essential formalities of procedure are complied with, and in conformity with laws enacted previous to the commission of the act.

In cases of a criminal nature, it is forbidden to impose, either because of simple analogy or by a prior evidence, any punishment that is not decreed by a law exactly applicable to the crime involved.

In cases of a civil nature, the final sentence must be according to the letter or a judicial interpretation of the law, and in the absence of the latter, it shall be founded on the general principles of the law.

Article 13

No person may be judged by private laws or special tribunals. No person or corporation may have special privileges, nor enjoy greater emoluments than those that may be compensation for public services and are fixed by law. The military code exists for crimes and offenses against military discipline; but the military tribunals may in no case and for no cause extend their jurisdiction over persons who do not belong to the army. Should a civilian be implicated in crime or offense of a military character, the proper civil authority shall hear the case.

Article 17

No person may take justice into his own hands or resort to violence to claim his right. Tribunals shall be prepared to administer justice at the time and in the manner that the law determines; their service shall be free and, consequently, judicial charges are prohibited.

Article 19

Each case shall necessarily be instituted for the offense or offenses

/indicated

indicated in the warrant of formal arrest. Should it appear from the result of a trial that there has been committed an offense distinct from the one being prosecuted, it shall be the object of a separate accusation, without prejudice to the subsequent decreeing of the accumulated penalty, if deemed advisable.

Article 23

No criminal suit may have more than two appeals. No person, whether acquitted or convicted, shall be tried two times for the same offense. The practice of leaving a case in abeyance until new evidence is presented is prohibited.

Article 130

The federal powers shall exercise the supervision required by law in affairs relating to religious denominations and external discipline. Other authorities shall act as auxiliaries of the Federation.

Suits for violation of the above provisions shall never be heard before a jury.

Netherlands, Constitution of

Article 162

All judgments shall state the grounds upon which they are based, and in penal cases they shall indicate the legal provisions upon which the condemnation is based.

The pronouncement of sentence shall take place with open doors. Without prejudice to the exceptions made by law, the hearings shall be public.

In the interest of public order and morality the judge may depart from this rule.

For punishable acts designated by law, the provisions of the first and second paragraphs may also be departed from.

Nicaragua, Constitution of

Article 43

No law may have a retroactive force or effect except in a penal matter in favour of the offender.

/Article 44

Article 44

Only acts and transgressions declared punishable by laws prior to their commission may be punished.

Article 221

When the Republic finds itself involved in an international war or in an internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

- 1st. The inviolability of human life.
- 2nd. The prohibition against being tried by judges not recognized by the law.
- 3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.
- 4th. The prohibition against retroactive or confiscatory laws; and
- 5th. The levying of taxes.

Norway, Constitution of

Article 96

No one may be convicted except according to law, or be punished except according to judicial sentence.

Article 97

No law may be given retroactive effect.

Panama, Constitution of the Republic of

Article 31

Only acts declared punishable by a law prior to their perpetration and exactly applicable to the act imputed will be punished.

Article 33

The following may inflict punishment without previous trial and in the cases and within the precise terms of the law:

/1st. Officials

1st. Officials who exercise command jurisdiction, who may impose fines or arrest on anyone who harms them or is disrespectful in the acts by which the functions of his office are discharged or by reason of the discharging of the same.

2nd. Chiefs of police, who may impose the penalty of arrest on their subordinates in order to restrain insubordination or mutiny; and

3rd. Ship captains who, being outside of port, have the power to restrain insubordination or mutiny or to maintain order on board, and to detain provisionally any actual or presumed offender.

Article 32

No one will be judged except by a competent authority and in conformity with the legal procedure, nor more than once for the same reason.

Article 25

No one is obliged to testify in a criminal, correctional, or police matter against himself, his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

Article 44

Laws do not have retroactive effect, except those of public order or of social interest. In criminal matters a law favourable to the criminal always has preference and retroactivity, even though sentence may have been executed.

Paraguay, Constitution of

Article 26

No law may have retroactive effect. No inhabitant may be punished except by a prior judgment founded upon some law prior to the violation under prosecution, nor may be judged by special tribunals...

Article 26

.....Guilt or dishonour that persons may incur does not affect their relatives.

/Article 26

Article 26

.....No one may be obliged to testify against himself.....

Peru, Constitution of the Republic of

Article 25

No law has retroactive force or effect.

Article 57

No one may be condemned for an act or an omission which at the time of being committed was not qualified in the law in an express and unequivocal manner as a punishable violation, or be judged except by tribunals established by the laws. Any declaration obtained by violence is without value.

The penalty of confiscation of property may not be imposed.

Article 64

The ordinary tribunals shall have jurisdiction over crimes of the press.

Philippines, Constitution of the

Article 3

Section 1

(1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(11) No ex post facto law or bill of attainder shall be enacted.

(15) No person shall be held to answer for a criminal offense without due process of law.

(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.

(18) No person shall be compelled to be a witness against himself.

/(20) No person

(20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Poland, Constitution of

Article 98

No one may be deprived of the court to which he is subject by law. Exceptional courts are admissible only in cases determined by statutes, which statutes must have been issued before the offense was committed. A citizen may be prosecuted and punishment inflicted only by virtue of statute actually in force.....

Sweden, Constitution of

Article 16

The King shall cause everyone to be tried by court to the jurisdiction of which he is properly subject.

United States of America, Constitution of

Article I

Section 9, Clause 3 - No bill of attainder or ex post facto law shall be passed.

Section 10, Clause 1 - No State shall ... pass any bill of attainder, ex post facto law or law impairing the obligation of contracts.....

7th Amendment

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Uruguay, Constitution of

Article 12

No person shall be punished or confined without a legal form of trial and sentence.

Yugoslavia, Constitution of

Article 28

Paragraph 3: No person may be punished for a criminal act except by sentence of a competent court on the basis of the law establishing competence of the court and defining the offense.

/Paragraph 4:

Paragraph 4: Punishments may be determined pronounced only on the basis of the law.

Paragraph 6: Punishments for infringements of legal prescriptions may be pronounced by the organs of the State administration only within the limits set by law.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 27

"There shall be access to independent and impartial tribunals for the determination of rights and duties under the law. Every one has the right to consult with and to be represented by counsel.

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

Article 17

The right to protection from competent courts free from all influence contrary to justice.

Panama (American Law Institute)

Article 7

Every one has the right to have his criminal civil liabilities and his rights determined without undue delay by fair public trial by a competent tribunal before which he has had opportunity for a full hearing.

The state has a duty to maintain adequate tribunals and procedures to make this right effective.

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 24

The settlement of personal disputes and other matters between subjects falls within the province of the courts of justice and other official

/departments

departments connected therewith, and such persons as are not satisfied with a decision and order of a court may appeal to higher authorities up to the Ministry concerned and, if still not satisfied, to the Prime Minister and His Majesty the King.

Argentine, Constitution of

Article 24

The Congress shall promote the amendment of the present legislation in all its branches, and the establishment of trials by juries.

Belgium, Constitution of

Article 7

Individual liberty is guaranteed.

Article 8

No person shall be removed against his will from the jurisdiction of the judge to whom the law assigns him.

Article 24

No previous authorization is necessary to bring action against public officials for the acts of their administration, except as provided for cabinet ministers.

Brazil, Constitution of

Article 141

No. 4 The law shall not exclude any injury to individual rights from consideration by the judiciary.

No. 35 Public authorities shall grant judicial assistance to the needy in the manner that the law may establish.

Byelorussia, Constitution of

Article 88

See Article 112 of the Union of Soviet Socialist Republics, Constitution.

China, Constitution of

Article 8

.....No person may be tried or punished except by a law court in accordance with legal procedure.....

Article 16

The people shall have the right to file complaints or institute legal proceedings.

/Costa Rica,

Costa Rica, Constitution of

Article 20

Public officials are responsible for the infraction of the Constitution or of the laws. Action in order to accuse them is open to the public.

Article 47

All Costa Ricans or aliens, having recourse to the law, shall find a remedy for injuries or damages that they may have received in their persons, property, or honour. Justice must be rendered promptly, completely, and without hesitation, and in strict conformity with the law.

Article 49

The same judge cannot serve in various appeals, provided that the decision deals with the same point.

Cuba, Constitution of

Article 28

There shall be no prosecution or sentence except by a competent judge or tribunal, acting under laws enacted prior to the commission of the crime, and with the formalities and guarantees that these laws may establish. No sentence shall be pronounced against any prosecuted person in his absence, nor shall anyone be condemned in a criminal matter without being heard. Neither shall any person be obliged to testify against himself, or against his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

No violence or coercion of any kind shall be practiced on persons in order to force them to testify. Any statement obtained in violation of this provision shall be null, and those responsible shall incur the penalties fixed by law.

Article 40

Provisions of a legal, governmental, or any other nature that regulate the exercise of the rights guaranteed by this Constitution, shall be null if they abridge, restrict, or corrupt said rights.

Adequate resistance for the protection of individual rights previously guaranteed, is legitimate.

Violations of this title shall be prosecuted by public action, without

/precaution

precaution or formality of any kind, and by simple denunciation.

The enumeration of the rights guaranteed in this title does not exclude others established in this Constitution, or other rights of an analogous nature, or those that are derived from the principle of the sovereignty of the people and from the republican form of government.

Czechoslovakia, Constitution of

Article 98

All judges shall be independent in the exercise of their conscience and they shall be bound only by law.

El Salvador, Constitution of

Article 7

Every one who exercises any public office is directly and immediately responsible for the acts that he commits in the exercise of his functions. The law shall determine the manner of making this responsibility effective.

Article 37

Every person has the right to ask and obtain protection from the Supreme Court of Justice or the chamber of second instance, when any authority or individual may restrict his personal liberty or the exercise of the other individual rights that the present Constitution guarantees. A special law shall regulate the manner of making this right effective.

France, Declaration of the Rights of Man and of the Citizen, 1789 Article 2

The purpose of all civil association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.

Greece, Constitution of

Article 8

No one may be withdrawn without his consent from the jurisdiction of the Judge assigned to him by law.

Guatemala, Constitution of

Article 36

.....Expression of thought by any means of diffusion is free without previous censoring.....

Article 40

The inhabitants of the Republic have free access to the tribunals to
/prosecute

prosecute their suits in the form that the laws indicate.

Haiti, Constitution of

Article 12

Individual liberty is guaranteed.

No person may be prosecuted, arrested or detained except in the cases provided for and in accordance with the procedure prescribed by law.

Furthermore, arrest and detention shall only take place on the warrant of a legally authorized official.

For such warrant to be executed:

- (1) It must formally state the reason for detention and the provision under the law which punishes the alleged act;
- (2) It must be served on the person concerned and a copy of it left with him at the time of his detention, except in cases of flagrante delicto.

No person may be kept in custody unless he has been brought within forty-eight hours after arrest before a judge authorized to decide the question of the legality of arrest. Such jurisdiction shall be organized by the law.

All unnecessary harshness or constraint in apprehending a person or keeping him in custody, as well as all moral pressure or physical violence, especially during interrogation, are prohibited.

All violations of this provision are arbitrary acts against which the injured parties may, without previous authorization, appeal to the competent courts and prosecute those authorizing or committing the said acts, whatever may be their rank and duties.

Honduras, Constitution of

Article 33

Any person has the right to request protection against transgression or arbitrary action of which he may be the victim, and to require the exercise of all the guarantees that this Constitution establishes, when he may be unduly prevented in the enjoyment of these guarantees by laws or acts of any authority, agent, or public official.

Article 85

If the Executive violates any of the provisions contained in this chapter, the injured party, or any person in his name, may have recourse for protection.

Article 189

Public employees and officials who violate any of the rights and guarantees stated in this Constitution shall be criminally and civilly responsible, and they cannot obtain a pardon or commutation during the current of the following term.

Prescription of the offences and penalties incurred shall not begin until after said terms.

Iraq, Constitution of

Article 9

No person shall be prevented from having recourse to the Courts, or be obliged to have recourse to a Court other than the Court competent to deal with his case, except in accordance with law.

Liberia, Constitution of

Article I
Section 17

Suits may be brought against the Republic in such manner, and in such cases as the Legislature may by law direct.

Luxembourg, Constitution of

Article 30

No prior authorization is required for instituting proceedings against public officials for acts committed in their administration, subject to the provisions relating to Members of the Government.

Nicaragua, Constitution of

Article 40

Individuals are responsible before the authorities for violations of the Constitution and the laws. Public officials are responsible for the same causes, or for overstepping the limits of their functions, or for neglect in the exercise of the latter.

Article 42

In the case of violation of a constitutional precept to the detriment of any person, the superior of the official bringing it about may not exempt him from the responsibility incurred. Soldiers in service are excepted from this provision. The responsibility in respect to them will fall on the superior who gives the order.

/Article 45

Article 45

No one may be refused access to a legal court, or his case be removed to a special jurisdiction without such prescription by a previous law.

Article 46

The law may establish a trial by jury in criminal and civil cases.

Article 47

No one may be deprived of the right of defense.

Article 48

No public agency or official may transfer cases pending before a competent authority to other courts.

Article 49

Closed trials or processes may in no case be reopened. The offender in criminal cases may be allowed recourse to revision of closed cases when the penalty imposed may have been greater than merely correctional. The law will regulate the exercise of this right.

Article 112

Court proceedings will be public. The Council for the defense will have the right to be present at all summary judicial proceedings, including the declaration of the defendant.

Article 113

No one will be obliged in a criminal, correctional, or police case to declare against himself, his spouse, or his relatives within the fourth degree of consanguinity or the second of affinity.

Article 221

When the Republic finds itself involved in an international war or in an internal civil war, or there exists the danger that one or the other may occur, or in case of epidemic, earthquake, or any other public calamity, or when for any other reason the defense, peace, and security of the Nation or of its institutions or forms of government may require it, the President of the Republic, in Council of Ministers, may, by decree, restrict or suspend, in all

/or a part

or a part of the national territory, the exercise of the constitutional guarantees, with the exception in all cases of those relating to:

- 1st. The inviolability of human life.
- 2nd. The prohibition against being tried by judges not recognized by the law.
- 3rd. The prohibition against inflicting infamous penalties, including those of whipping and of any kind of torture whatever.
- 4th. The prohibition against retroactive or confiscatory laws; and
- 5th. The levying of taxes.

Article 319

Public officials are personally responsible for violation of the Constitution for lack of administrative honesty, and for any other offense or failure in the exercise of their functions, all in conformity with the law.

Article 320

Public officials are personally responsible for the damages they may cause through negligence, omission, or abuse in the exercise of their offices.

Panama, Constitution of

Article 20

Private individuals are responsible before the authorities only for violation of the Constitution or of the law. Public officials are responsible for that same reason and also for exceeding their functions or for omissions in the exercise of the latter.

Article 34

In case of a manifest violation of a legal or constitutional precept to the detriment of any person, a superior order does not excuse from responsibility the agent who executes it. Individuals of the public force are excepted when they are in service, in which case the responsibility falls solely on the hierarchical superior who gives the order.

Paraguay, Constitution of

Article 17

All superior authorities, officials, and public employees are individually
/responsible

responsible for the offenses and crimes that they may commit in the exercise of their functions, without prejudice to the indirect responsibility of the State, which may be exercised by the law. In no case may they exercise functions foreign to their jurisdiction, and their acts must always be in conformity with the law.

Article 27

The defense of the person or rights by trial is inviolable.

Article 34

No person may take justice into his own hands, or employ violence to reclaim his rights. The people do not deliberate or govern except by means of their representatives and the authorities created by this Constitution. Any armed force or assemblage of persons that assumes the rights of the people, and petitions in the name of the latter, commits the crime of sedition.

Peru, Constitution of

Article 19

Acts of those who usurp public functions and positions without the requisites prescribed by the Constitution and the laws are null.

Article 20

Those who discharge public office are directly and immediately responsible for the acts practiced in the exercise of their functions. The manner of making this responsibility effective shall be determined by the law. The fiscal ministry is obliged to see to the fulfillment of the provisions of this article.

Poland, Constitution of

Article 98

2. No statute may deprive a citizen of access to the courts for the purpose of demanding reparation for injury or damage.

Article 121

Every citizen has the right to compensation for damage inflicted upon him by civil or military organs of state authorities, by an official act not in accordance with the rights or duties of the service. The state is responsible for the damage, jointly with the guilty organs; actions may be brought against the state and against officials, independently of any permission by a

public authority. Communes and other self-government bodies as well as their organs, are responsible in the same manner.

Special statutes will define the application of this principle.

Turkey, Constitution of

Article 83

No one may be summoned before or taken to a court other than to that court having jurisdiction in the question in accordance with the law.

Ukraine, Constitution of

Article 111

See Article 112 of the Union of Soviet Socialist Republics Constitution.

Union of Soviet Socialist Republics, Constitution of

Article 112

Judges are independent and subject only to the law.

United States, Constitution of

6th Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...and to have the assistance of counsel for his defense.

Article III, Section 2, Cl.3 - The trial of all crimes...shall be by jury....

5th Amendment

.....nor be deprived of life, liberty, or property, without due process of law.....

Uruguay, Constitution of

Article 23

All judges are responsible before the law for the slightest violation of the rights of individuals, as well as for deviating from the order of procedure established by it.

Article 24

All officials who, in the exercise of the public function which may have been entrusted to them, and with neglect of the duties that the office imposes on them, cause injury to a third party, shall be civilly liable.

The State, municipalities, autonomous entities or decentralized services, or any public agency employing said official, shall answer in a subsidiary manner for his neglect of duty, and said agencies shall constitute a

/necessary

necessary party in the suits instituted for this purpose, and shall have the right to take action against the official in the event he is found guilty.

Article 57

Public officials are in service of the Nation and not of a political party. In the places and during the hours of work, political activity shall be illegal, and as such, shall be suppressed by law.

The law shall establish the statute for public officials on the fundamental principle that the official was chosen for his office and not that the office was created for the official...

Yugoslavia, Constitution of

Article 39

2. Citizens have the right of appeal against the decisions of the organs of the State administration and the irregular proceedings of official persons. The procedure for lodging an appeal will be prescribed by law.

Article 40

Every citizen has the right to file a suit against official persons before a competent tribunal on account of criminal acts committed by them in their official work.

Article 41

Subject to conditions prescribed by law, citizens have the right to seek indemnity from the State and from official persons for damage resulting from the illegal or irregular discharge of official functions.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 28

"Every one has the right, either individually or
in association with others, to petition the government of
his State or the United Nations for redress or grievances."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article VII

Every person has the right, whether exercised by individual action
or in conjunction with other, to petition the government for redress of
grievances or to petition in respect to any other matter of public or
private interest.

The publication of such petitions shall not be made a ground for
penalizing in any way, directly or indirectly, the person or persons
making the petition.

Cuba

No provision

Panama

No provision

B. Proposals

India

I (a)

Every human being is entitled to the right of liberty, including
.....the right to access to the United Nations, without risk of reprisal,
whenever there is an actual or threatened infringement of human rights.

United States

No provision

/SECTION III

SECTION III. NATIONAL CONSTITUTIONS

Argentina, Constitution of

Article 14

All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely: of working and practicing any legal industry; of navigating and trading; of petitioning the authorities; of entering, remaining in, travelling through, and leaving the Argentine territory; of publishing their ideas through the press without previous censorship; of using and disposing of their property; of associating for useful purposes; of freely professing their religion; of teaching and learning.

Belgium, Constitution of

Article 21

Anyone has the right to address petitions to the public authorities signed by one or more persons.

The constituted authorities alone have the right to address petitions in the name of the people collectively.

Bolivia, Constitution of

Article 6

Every person has the following fundamental rights in conformity with the laws that regulate their exercise:

.....5th. To make individual or collective petitions.

Brazil, Constitution of

Article 141

No. 37. The right is assured to any person ~~whomsoever~~ to make representation against abuses by authorities and hold them responsible, by petition addressed to the public powers.

Article 194

Juridical persons of public law are civilly responsible for any harm that their employees, as such, may cause to third parties.

Sole paragraph. These persons shall enjoy recourse of action against the employees causing the harm, if the latter are found to have been guilty.

Chile, Constitution of

Article 10

The Constitution insures to all inhabitants of the Republic:

6th. The right of presenting petitions to the constituted authority

/upon any

upon any matter of public or private interest, without other limitation than that of using respectful and suitable language.

China, Constitution of

Article 16

The people shall have the right to present petitions, file complaints or institute legal proceedings.

Colombia, Constitution of

Article 45

Any person shall have the right to present respectful petitions to the authorities, on subjects either of general or private interest, and obtain a prompt decision.

Costa Rica, Constitution of

Article 35

The right of petition may be exercised individually or collectively.

Cuba, Constitution of the Republic of

Article 36

Every person has the right to direct petitions to the authorities, and the right to have said petitions heeded and determined within a period not longer than forty-five days, with the further right to be apprised of the decision thereon.

At the expiration of the legal period, or in default of the above stipulations, the interested party may seek redress in the manner authorized by law as if his petition had been denied.

Czechoslovakia, Constitution of

Article 115

The right to petition shall be enjoyed by every person. Legal persons and corporations shall enjoy the right only within the bounds of their competence.

Ecuador, Constitution of

Article 187

The State shall guarantee to the inhabitants of Ecuador:

.....(12) freedom of petition in writing, individual or collective, to any authority or corporation, with the right to obtain a decision...

Article 188

With respect to Ecuadorians, the following special guarantees shall be established:

.....(2) the right of petition to the Government verbally and collectively,

/by processions

by processions or other public demonstrations, peaceful and unarmed, with the previous permission of the competent authority.....

Egypt, Royal Rescript

Article 22

Egyptians have the right to apply to the public authorities by means of signed petitions. Constituted authorities and bodies corporate alone have the right to address petitions collectively.

El Salvador, Constitution of

Article 16

Every person has the right to address his petitions to the legally established authorities, provided that they are made in a decorous manner; and to have them acted upon and to be informed of the decision reached regarding them.

Ethiopia, Constitution of

Article 28

All Ethiopian subjects have the right to address petitions to the Government in due legal form.

Greece, Constitution of

Article 9

Each individual or many together possess the right, on conforming with the laws of the Realm, to address petitions in writing to the public authorities, who are bound to take prompt action and to furnish the petitioner with an answer in writing in accordance with the provisions of the law. Only after the final decision of the authority to whom the petition was addressed, and by leave of that authority, may enquiry be made as to responsibility on the part of the petitioner for offenses contained in the petition.

Guatemala, Constitution of

Article 30

The inhabitants of the Republic have the right, individually or collectively, to direct their petitions to the authorities, who are obliged to decide them in conformity with the law and without delay, and to communicate the decisions to those interested. The armed force may not deliberate or exercise the rights of petition or of suffrage.

Haiti, Constitution of

Article 27

The right of petition may be exercised personally by one or more

/individuals

individuals but never on behalf of any association.

Honduras, Constitution of

Article 66

Any person or assembly of persons has the right to direct their petitions to legally established authorities for consideration, and to have the decision communicated to them.

Iran, The Supplementary Fundamental Laws

Article 11

No one can be forcibly removed from the tribunal which is entitled to give judgment on his case to another tribunal.

Article 32

Any individual may submit in writing to the Petition Department of the Archives of the Assembly a statement of his own case, or of any criticisms or complaints. If the matter concerns the Assembly itself, it will give him a satisfactory answer; but if it concerns one of the Ministries, it will refer it to that Ministry, which will enquire into the matter and return a sufficient answer.

Iraq, Constitution of

Article 14

Iraq nationals have the right to present petitions of complaints and memorials, in matters concerning themselves personally, or in public matters, to the King and to Parliament and to the public authorities, in the manner and in the circumstances to be prescribed by law.

It is not permitted, except to official bodies and juristic persons, to address the authorities in the name of a number of persons.

Liberia. Constitution of

Article I

Section 5. The people have a right at all times, in an orderly and peaceable manner to assemble and consult upon the common good, to instruct their representatives, and to petition the government, or any public functionaries for the redress of grievances.

Luxembourg, Constitution of

Article 27

Everyone has the right to address petitions to the public authorities signed by one or more persons.

/Legally

Legally constituted authorities alone have the right to address petitions under a collective name.

Mexico (United Mexican States), Constitution of the

Article 8

Public officials and employees shall respect the exercise of the right of petition, provided it is formulated in writing and in a respectful and peaceful manner; but in political matters only citizens of the Republic may make use of this right.

A written decision shall be given to all petitions by the authority to whom they have been directed, who has the obligation of notifying the petitioners of the decisions as soon as possible.

Article 35

Privileges of citizens are:

5th. To exercise the right of petition in any matter.

Netherlands, Constitution of

Article 8

Every person shall have the right to present petitions to the competent authority, always provided he does so in writing.

Incorporated bodies may present petitions to the competent authority, but only on matters appertaining to their particular sphere of activity.

Nicaragua, Constitution of

Article 119

Every person has the right to demand protection in order to make effective the guarantees that the Constitution and the constitutional laws establish, when they are unduly restrained in the enjoyment of those guarantees by laws, decrees, decisions, orders, commands, or acts on the part of any authority, official, or agents of the same.

Article 127

All persons have the right to present written petitions or claims to the public agencies and to the authorities, and to have them decided and to be informed of the result.

This right may be exercised individually or collectively.

Panama, Constitution of the Republic of

Article 42

Every person has the right to present respectful petitions and complaints

/to public

to public officials, for reasons of social or private interest, and to obtain a prompt answer.

An official to whom a petition, question, or complaint is presented must decide it within a period of thirty days.

The law will indicate the penalties that apply to violation of this precept.

Article 51

Every person against whom is issued or executed, by any public official, an order to act or not to act that violates the rights and guarantees that this Constitution consecrates, will have the right to petition, by himself or through any other person, that the order may be revoked. The law will determine the form of this summary procedure of appeal of the constitutional guarantees.

The recourse to which this article refers will always be within the competence of the judicial tribunals.

Paraguay, Constitution of

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise:

... to petition the authorities ...

Peru, Constitution of the Republic of

Article 26

Claims regarding infractions of the Constitution may be brought before the Congress.

Article 60

The right of petition may be exercised individually or collectively. It may not be exercised by the armed force.

Philippines, Constitution of the

Article III

Section 1. (8) No law shall be passed abridging the right of the people to assemble and petition the Government for redress of grievances.

Poland, Constitution of

Article 107

Citizens have the right of presenting individual or collective petitions to all state and self-government representative bodies and public authorities.

Syria, Constitution of the State of

Article 27

All Syrians shall be entitled to submit requests or petitions, in conformity with the law, to the authorities or to Parliament, whether collectively or individually, and in regard to business, personal or general matters.

Turkey, Constitution of

Article 82

Turkish citizens shall have the right, should they notice any instances which are in contravention to the laws and regulations in force, to report such cases or complaints, individually or collectively, either in their own interest or in the interest of the Assembly. The reply to a personal application must be communicated to the petitioner in written form.

United States of America, Constitution of

1st Amendment

Congress shall make no law respecting ... the right ... to petition the government for a redress of grievances.

Uruguay, Constitution of

Article 29

Every inhabitant has the right of petition to each and every official of the Republic.

Yugoslavia, Constitution of

Article 39
(paragraph 1)

Citizens have the right to address requests and petitions to the organs of the State authorities.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 29

"Every one has the right, either individually or
with others, to resist oppression and tyranny."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

Article 20

"The right to resist any form of oppression."

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

El Salvador, Constitution of

Article 36

The right of insurrection shall in no case produce the abrogation of the laws,
its effects being limited to the removal, as may be necessary, of persons discharging
governmental office and the provisional appointment of those who shall substitute
for them until the vacancies are filled in the manner established by the Constitution

France, Declaration of the Rights of Man and of the Citizen

Article 2

The purpose of all civil association is the preservation of the natural and
imprescriptible rights of man. These rights are liberty, property, security and

/resistance

resistance to oppression.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 30

"Every one has the right to take an effective part in the government of the State of which he is a citizen. The State has a duty to conform to the wishes of the people as manifested by democratic elections. Elections shall be periodic, free and fair."

(See Article 16 of the Draft of International Declaration submitted by Panama)

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Mora (Uruguay):

Proposes to grant to human beings a certain degree of world citizenship and to offer them the possibility of participating personally in the international organization of the community, namely: United Nations - abstraction made of the right of petitioning United Nations.*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XIII

Every person, national of the state, has the right to participate in the election of the legislative and executive officers of the government in accordance with the provisions of the national constitution. The practical exercise of this right may, however, be conditioned by the duty of the person to show that he is competent to understand the principles upon which the constitution is based. The constitution of the state shall provide for a government of the people, by the people and for the people.

This right presupposes the right to form political parties.

Cuba

Article 22

The right to choose his ruler and to share in the government of his country.

* H.R. Com. - 1st session - 14th meeting - page 2

/Panama

Panama (American Law Institute)

Article 16

Every one has the right to take part in the government of his state.

The state has a duty to conform to the will of the people as manifested by democratic elections.

B. Proposals

India

I (c)

Every human being has the right of security including.....
the right to participate in government

United States

II 2. a/

Among the categories of rights which the United States suggests should be considered are the following:.....

d/ political rights, such as the right to citizenship and the right of citizens to participate in their government.

SECTION III. NATIONAL CONSTITUTIONS

Argentina, Constitution of

Article 5

Each Province shall adopt for itself a constitution, under the republican, representative system, in accordance with the principles, declarations, and guarantees of the national Constitution, insuring its administration of justice, municipal government, and primary education. Under these conditions, the federal Government guarantees to each one of the Provinces the enjoyment and exercise of its institutions.

Article 22

The people do not deliberate or govern except through their representatives and authorities created by this Constitution. Any armed force or meeting of persons assuming the rights of the people and petitioning in the latter's name, commits the crime of sedition.

Belgium, Constitution of

Article 4

Belgian citizenship is acquired, maintained and lost according to regulations established by the civil law.

The present constitution and the other laws relating to political rights determine what other conditions are necessary for the exercise of these rights.

/ Bolivia

Bolivia, Constitution of

Article 4

The people shall not deliberate or govern except by means of their representatives and by the authorities created by law.

Any armed force or association of persons usurping the rights of the people commits the crime of sedition.

Byelorussia, Constitution of

Articles 109-110-111-112-113-114-115

See USSR Constitution Articles 134-135-136-137-138-139-140.

China, Constitution of

Article 1

The Republic of China, founded on the San Min Chu I (Three People's Principles), is a democratic republic of the people, for the people and governed by the people.

Article 3

Persons possessing the nationality of the Republic of China are citizens of the Republic of China.

Article 17

The people shall have the right of election, recall, initiative and referendum.

Article 18

The people shall have the right to take public examinations and to hold public offices.

Article 129

The election stipulated in the Constitution, except when otherwise provided for by the Constitution, shall be universal, equal and direct suffrage and by secret ballot.

Article 130

Any citizen of the Republic of China having attained the age of twenty years shall have the right of election in accordance with law. Unless otherwise provided by the Constitution and laws, any citizen having attained the age of twenty-three years shall have the right of being elected in accordance with law.

/Cuba,

Cuba, Constitution of the Republic of

Article 38

All acts by which a citizen is prohibited or limited in his participation in the political life of the Nation are declared punishable.

Czechoslovakia, Constitution of

Article 9

The right to vote for the Chamber of Deputies appertains to all Citizens of the Czechoslovak Republic without distinction of sex, who are twenty-one years of age and comply with the other provisions of the electoral regulations.

Article 14

The right to vote for the Senate appertains to all citizens of the Czechoslovak Republic without distinction of sex, who are twenty-six years of age and who comply with the other provisions of the law concerning the constitution and the rights and powers of the Senate.

Denmark, Constitution of

Article 30

Every man and woman possessing nationality rights, who has reached the age of twenty-five years and is domiciled in this country, is entitled to vote for the Folketing, unless he or she:

- (a) has been tried and found guilty of an act regarded by public opinion as dishonourable and has not been rehabilitated,
- (b) is receiving or has received poor relief, which has been neither remitted nor repaid,
- (c) has not free disposal of his personal property because he has been declared bankrupt or incapable of managing his affairs.

Article 31

Every person who by virtue of Article 30 has the right to vote for the Folketing is eligible for election to that House.

Ecuador, Constitution of

Article 138

"with respect to Ecuadorians, the following special guarantees shall be established:

....(1) the right to elect freely and to be elected for public office, according to the law..."

/France

France, Declaration of the Rights of Man and of the Citizen, 1789

Article 6

The law is an expression of the common will. All citizens have a right to concur either personally or by their representation in its formation. It should be the same for all whether it protects or punishes; and all being equal in its sight are equally eligible to all honours; places and employment according to their different abilities without any other distinction than that of their virtues and talents.

Article 3

The nation is essentially the source of all sovereignty; nor shall any body of men or any individual exercise authority which is not expressly derived from it.

France, Constitution of the Republic of

Article 3

National sovereignty belongs to the French people.

No section of the people nor any individual may assume its exercise.

The people shall exercise it in constitutional matters by the vote of their representatives or by the referendum.

In all other matters they shall exercise it through their deputies in the National Assembly, elected by universal, equal, direct and secret suffrage.

Article 4

All French citizens and nationals of both sexes, who are majors and enjoy civil and political rights, may vote under conditions determined by the law.

Guatemala, Constitution of

Article 34

Every act by which a citizen is hindered or limited in participating in the political life of the Nation or in exercising his rights as a citizen, except for the restrictions that this Constitution establishes, is punishable.

Article 30

....."The armed force may not deliberate or exercise the rights of petition or of suffrage."

Liberia, Constitution of

Article I

Section 5. The people have a right at all times, in an orderly and peaceable manner to assemble and consult upon the common good, to instruct their representatives, and to petition the government, or any public functionaries for the redress of grievances.

All elections shall be by ballot; and every male citizen of twenty-one years of age, possessing real estate, shall have the right of suffrage.

All power is inherent in the people; all free governments are instituted by their authority and for their benefit and they have a right to alter and reform same when their safety and happiness require it.

Section 19. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods, and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and to fill up vacant places, by certain and regular elections and appointments.

Mexico, (United Mexican States, Constitution of the)

Article 35

Privileges of citizens are:

1st...To vote in popular election....

Article 36

The duties of a citizen of the Republic are:

3rd. To vote in the popular elections in the electoral district to which he belongs.

4th. To discharge the popularly elective offices of the Federation or of the States, which shall in no case be uncompensated; and

5th. To discharge the public offices of the municipality where he resides and to perform all electoral and jury services.

/Article 38

Article 38

The rights and privileges of citizens may be suspended:

1st. For failure to comply without justifiable cause, with any of the obligations imposed by Article 36. This suspension shall last one year and shall be imposed in addition to the other penalties prescribed by law for the same offense.

2nd. For being subjected to criminal prosecution for an offense punishable by imprisonment, such suspension to be reckoned from the time of the order for formal commitment.

3rd. During the term of imprisonment.

4th. For vagrancy or habitual intoxication, as declared in the manner that the laws prescribe.

5th. For being a fugitive from justice, from the time when the order of arrest is issued until the proscription of the criminal action, and

6th. By an executory sentence imposing such suspension as a penalty.

The law shall define those cases in which citizenship shall be lost and others in which the rights of citizenship shall be suspended, as well as the manner of regaining them.

Netherlands, Constitution of the

Article 81

The members of the Second Chamber shall be chosen directly by the citizens being Netherlands subjects or recognized by law as Netherlands subjects, who have reached the age fixed by law, which age may not be under twenty-three years.

.....

Those persons shall be debarred the right of exercising elective franchise to whom that right has been denied by irrevocable sentence of court of law.

/Article 85

Article 85

To be eligible as a member of the Second Chamber a person is required to be a Netherlands subject or recognized by law as a Netherlands subject, to have completed the age of thirty years, not to be deprived of eligibility or excluded from the exercise of elective franchise by virtue of the regulation made on the subject pursuant to the third paragraph of Article 81.....

Norway, Constitution of

Article 50

The right of voting shall belong to Norwegian citizens, men and women, who have completed their twenty-first year, have been domiciled in this country for five years and are resident there....

Article 61

No one may be elected as a representative unless he is thirty years of age, has resided in the Kingdom for ten years, and has the right of voting in the district for which he is nominated....

Panama, Constitution of the Republic of

Article 21

Political rights are reserved to nationals, except for what is provided in Article 192.

Ukraine, Constitution of the

Articles 133-134-135-136-137-138-139

See USSR Constitution Articles 134-135-136-137-138-139-140

Union of Soviet Socialist Republics, Constitution of the

Article 134

"Members of all Soviets of Working People's Deputies of the Supreme Soviet of the USSR, the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of Autonomous Regions, area, district, city and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies - are chosen by the electors on the basis of universal, direct and equal suffrage by secret ballot."

/Article 135

Article 135

"Elections of deputies are universal, all citizens of the Union of Soviet Socialist Republics who have reached the age of eighteen, irrespective of race or nationality, religion, educational and residential qualifications, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights."

Article 136

"Elections of deputies are equal: each citizen has one vote. All citizens participate in elections on an equal footing."

Article 137

"Women have the right to elect and be elected on equal terms with men."

Article 138

"Citizens serving in the Red Army have the right to elect and be elected on equal terms with all other citizens."

Article 139

"Elections of deputies are direct: All Soviets of Working People's Deputies, from rural and city Soviets of Working People's Deputies, to the Supreme Soviet of the Union of Soviet Socialist Republics inclusive, are elected by the citizens by direct vote."

Article 140

"voting at elections of deputies is secret."

United States, Constitution of the

Article I

Section 1, Clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States....

Article II

Section 1, Clause 1. ...He (President) shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected....

17th Amendment. The Senate of the United States shall be composed of two senators from each State, elected by the people thereof...

/15th Amendment,

15th Amendment, Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, colour, or previous condition of servitude.

19th Amendment. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any other State on account of sex.

Article VI

...but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Yugoslavia, Constitution of

Article 23

"All citizens regardless of sex, nationality, race, creed, degree of education or place of residence, who are over eighteen years of age, have the right to elect and to be elected to all organs of State authority.

Citizens in the ranks of the Yugoslav army have the same right to elect and to be elected as other citizens.

The suffrage is universal, equal and direct and is carried out by secret ballot.

The suffrage is not enjoyed by persons under guardianship, persons deprived of electoral rights by sentence of a court of law for the duration of the sentence, and persons who have lost their electoral rights in accordance with federal law."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
GOVERNMENTS IN CATEGORY A.

American Federation of Labor

No provision.

ARTICLE 31

"Every one shall have equal opportunity of access to all public functions in the State of which he is a citizen."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Chang (China):

He refers to Article 18 of Chinese Constitution concerning the right to take public examinations.

"....that is one of the political devices towards social democracy that has been worked out by humankind".*

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XIII (paragraph 3)

No person shall be denied the right to hold public office, or to be appointed to any of the public services of the state of which he is a national, upon grounds of race or religion or sex or any other arbitrary discrimination; and the administration of the public services of the state shall, in respect to appointments and terms and conditions of service, be without favour or discrimination.

Cuba

No provision.

Panama

No provision.

B. Proposals

India

No provision.

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 14

Any Afghan subject, according to his ability and capacity, is taken into Government service as required.

* H.R. Com. - 1st session - 13th meeting - page E-84

Argentina, Constitution of

Article 16

The Argentine nation does not admit prerogatives of blood or of birth; in it there are no personal privileges, nor titles of nobility. All its inhabitants are equal before the law, and admissible for employment without any other requisite than fitness. Equality is the basis of taxation and of the public burdens.

Belgium, Constitution of

Article 6

There shall be no distinction of classes in the State. Belgian citizens are equal before the law; they alone are admissible to civil and military offices, with such exceptions as may be established by law for particular cases.

Chile, Constitution of

Article 10

The Constitution insures to all inhabitants of the Republic:

8th Admission to all public employments and offices without other conditions than those imposed by the law.

China, Constitution of

Article 18

The people shall have the right to take public examinations and to hold public offices.

Article 130

... Unless otherwise provided by the Constitution and laws, any citizen having attained the age of twenty-three years shall have the right of being elected in accordance with law.

Colombia, Constitution of

Article 54

The profession of the priesthood is incompatible with the discharge of public office. Nevertheless, Catholic priests may be employed in public instruction and social work.

Cuba, Constitution of the Republic of

Article 39

Public functions that imply jurisdiction shall be discharged only by Cuban citizens.

Article 82

Only Cubans by birth and naturalized Cubans who have held their status

/as such for five

as such for five years or more prior to the date of their seeking authorization to practice, may practice professions that require official title, except as provided in Article 57 of this Constitution. However, the Congress may, by special law, grant temporary suspension of this provision when, for reasons of public utility, the co-operation of foreign professionals and technicians shall be necessary or convenient in the development of public or private undertakings of national interest. Such a special law shall fix the limits and period of the authorization.

In the fulfillment of this provision, as well as in cases in which, by any law or regulation, the practice of any new profession, art, or office may be regulated, the working rights acquired by persons who, until that time may have practiced the profession, art, or office in question, shall be respected, and the principles of international reciprocity shall be observed.

Czechoslovakia, Constitution of

Article 10

All citizens of the Czechoslovak Republic without distinction of sex who are 30 years of age and comply with the conditions of the suffrage law may be elected as Deputies to the Chamber.

Article 15

All citizens of the Czechoslovak Republic without distinction of sex, who are 45 years of age and who comply with the other conditions concerning the constitution and the rights and powers of the Senate are eligible to the Senate.

Article 128

2. Difference in religion, belief, confession or language shall within the limits of the common law constitute no obstacle to any citizen of the Czechoslovak Republic particularly in regard of entry into the public service and offices, of attainment to any promotion or dignity, or in regard to the exercise of any trade or calling.

Denmark, Constitution of

Article 31

Every person, who by virtue of Article 30 has the right to vote for the

/Folketing

Folketing is eligible for election to that House.

Article 35

Every person entitled to vote for the Landsting is eligible for election to that House, provided that he (or she) is domiciled in the Landsting constituency concerned.

Ecuador, Constitution of

Article 188

With respect to Ecuadorians, the following special guarantees shall be established:

- (1) the right to elect freely and to be elected for public office, according to the law ...

El Salvador, Constitution of

Article 5

No hereditary offices or privileges are recognized in the Republic.

Ethiopia, Constitution of

Article 19

All Ethiopian subjects, provided they fulfill the conditions laid down by the law and satisfy the decrees promulgated by His Majesty the Emperor, may be appointed officers in the Army or civil servants or be called upon to assume any other duties or functions in the service of the State.

France, Declaration of the Rights of Man and of the Citizen, 1789 Article I

Men are born and remain free and equal in respect of rights. Social distinction shall be based solely upon public utility.

Article 6

The law is an expression of the common will. All citizens have a right to concur either personally or by their representation in its formation. It should be the same for all whether it protects or punishes; and all being equal in its sight are equally eligible to all honours, places and employment according to their different abilities without any other distinction than that of their virtues and talents.

Greece, Constitution of

Article 3

... Only Greek citizens are admissible to all public employments saving the special exceptions introduced by special laws ...

/Guatemala, Constitution of

Guatemala, Constitution of

Article 38

All Guatemalans, without distinction of sex are admissible to public offices and employment according to their merit and capacity, except for the incompatibilities that the laws indicate and the limitations that this Constitution establishes.

Haiti, Constitution of

Article 11

Haitians are equal before the law, subject to the advantages conferred on natural-born Haitians. They shall also be eligible, without any discrimination, for civil and military employment under the conditions established by law.

Honduras, Constitution of

Article 71

Ministers of the various religions shall not exercise public offices.

Iraq, Constitution of

Article 18

.... To them alone (i.e., to Iraq nationals) shall public appointments, civil or military, be entrusted, and foreigners may not hold such appointments except in the exceptional circumstances to be prescribed by law.

Lebanon, Constitution of

Article 12

All forms of public employment shall also be open to all Lebanese citizens in accordance with the conditions laid down by law, preference being given solely to merit and capacity. The conditions applicable to State officials shall be embodied in a special Statute, according to the department to which they belong.

United Mexican States, Constitution of the

Article 35

Privileges of citizens are:

2nd. To be eligible to all popularly elective offices and be qualified for any other position or commission, provided they have the qualifications prescribed by law.

Netherlands, Constitution of

Article 5

Every Netherlands subject shall be eligible for appointment to any office in the service of the State.

/No alien shall

No alien shall be eligible for such appointment save in accordance with the provisions of the law.

Panama, Constitution of the Republic of

Article 43

Ministers of religious faiths may not exercise public office, civil or military, with the exception of those that may be related to social welfare or public instruction.

Poland, Constitution of

Article 96

Public offices are accessible in equal measure to all, on conditions prescribed by the law.

Sweden, Constitution of

Article 28

In pursuance of the rules approved by the King and the Riksdag, women may be appointed and promoted to the posts and services set out above, but no woman may be appointed to the priestly office, unless otherwise prescribed in accordance with Article 87, paragraph 2.

In all promotions the King shall take into consideration only the merit and ability of the candidates, but not their birth.

Syria, Constitution of

Article 26

All Syrians shall have access to public employment, without any other distinction than that due to their qualifications or capacity, subject to the conditions laid down by the law.

Union of Soviet Socialist Republics, Constitution of

Article 135

Elections of deputies are universal: all citizens of the USSR who have reached the age of eighteen, irrespective of race, or nationality, religion, educational and residential qualifications, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

Article 137

Women have the right to elect and be elected on equal terms with men.

/Article 138

Article 138

Citizens serving in the Red Army have the right to elect and be elected on equal terms with all other citizens.

Yugoslavia, Constitution of

Article 33

Paragraph 1. All public offices are equally accessible to all citizens in accordance with the conditions of the law.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 32

"Every one is entitled to the nationality of the State where he is born unless and until on attaining majority he declares for the nationality open to him by virtue of descent.

"No one shall be deprived of his nationality by way of punishment or be deemed to have lost his nationality in any other way unless he concurrently acquires a new nationality.

"Every one has the right to renounce the nationality of his birth, or a previously acquired nationality, upon acquiring the nationality of another State."

SECTION I - OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Cassin (France):

He remarks that the right to a nationality is not specified in the National Bill of Rights and adds that such a right is to be mentioned in an international Bill of Rights.*

He also mentions the "right of a nationality".**

Mr. Mora (Uruguay):

He proposes to proclaim the right of changing nationality.***

Mr. Hodgson (Australia):

What do we see when we speak of human rights? We refer to, or we have in mind, minorities, nationality, statelessness, right of option.....****

SECTION II - DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article IX

Every person has the right to a nationality.

No state may refuse to grant its nationality to persons born upon its soil of parents who are legitimately present in the country.

No person may be deprived of his nationality of birth unless by his own free choice he acquires another nationality.

* H.R. Com. - 1st session - 8th meeting - p. 82

** H.R. Com. - 1st session - 13th meeting - p. E-101

*** H.R. Com. - 1st session - 14th meeting - p. E-3

**** H.R. Com. - 1st session - 2nd meeting - p. 42

Every person has the right to renounce the nationality of his birth, or a previously acquired nationality, upon acquiring the nationality of another state.

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III - NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 9

All persons residing in the Kingdom of Afghanistan are called Afghan subjects without any distinction of creed and religion. Afghan nationality is acquired or lost in accordance with the nationality laws.

China, Constitution of

Article 3

Persons possessing the nationality of the Republic of China are citizens of the Republic of China.

Egypt, Royal Rescript

Article 2

Egyptian nationality shall be determined by law.

Ethiopia, Constitution of

Article 1

The territory of Ethiopia as a whole is throughout its extent subject to the Government of His Majesty the Emperor. All natives of Ethiopia subjects of the Empire form the Ethiopian nation.

Article 18

The law shall lay down the conditions required for holding Ethiopian nationality.

France, Constitution of

Article 80

All nationals of the Overseas Territories shall have the status of citizens,

/in the same

in the same capacity as French nationals of Metropolitan France or the Overseas Territories. Special laws shall determine the conditions under which they may exercise their rights as citizens.

Article 81

All citizens and nationals of territories within the French Union shall have the status of citizens of the French Union, which ensures them the enjoyments of the rights and liberties guaranteed by the Preamble of the present Constitution.

Article 82

Those citizens who do not have French civil status shall retain their personal status so long as they do not renounce it.

This status may in no case constitute a ground for refusing or restricting the rights and liberties pertaining to the status of French citizen.

Iceland, Constitution of

Article 68

No foreigner can acquire nationality except by law.

Iraq, Constitution of

Article 5

Iraq nationality and the rules applicable thereto will be prescribed by law.

Lebanon, Constitution of

Article 6

Lebanese nationality and the manner in which it is acquired, retained and lost shall be determined in accordance with the law.

Liberia, Constitution of

Article 13

None but negroes or persons of negro descent shall be eligible for citizenship in this Republic.

Luxembourg, Constitution of

Article 9

The status of Luxembourg national is acquired, retained and lost in accordance with the rules laid down by Civil Law. The present Constitution and the other laws relating to political rights shall determine what are the conditions necessary for the exercise of these rights, apart from the aforesaid status.

Article 10

Naturalization shall be granted by the legislative power. By such naturalization an alien is placed on the same footing as a Luxembourg national as

/regards

regards the exercise of political rights.

Where the father has been naturalized, such naturalization shall extend to his child under age where the latter within two years of attaining majority makes a declaration of his desire to claim this benefit.

United Mexican States, Constitution of the

Article 34

All those who, in addition to being Mexicans, also possess the following qualifications, are citizens of the Republic:

- 1st. Those who have reached the age of eighteen years and are married or twenty-one if they are not; and
- 2nd. Those who have an honest means of livelihood.

Article 37

1st. Mexican nationality shall be lost:

- (a) by the voluntary acquisition of a foreign nationality,
- (b) by accepting or using titles of nobility that imply submission to a foreign State,
- (c) by residing continuously for five years in the country of his birth, although being a Mexican by naturalization; and
- (d) by representing himself as an alien in any public instrument, being a Mexican by naturalization, or by obtaining and using a foreign passport.

2nd. Mexican citizenship shall be lost:

- (a) by accepting or using titles of nobility that do not imply submission to a foreign Government,
- (b) by voluntarily serving a foreign Government officially, without permission of the federal Congress or of its permanent committee,
- (c) by accepting or using foreign decorations without permission from the federal Congress or its permanent committee,
- (d) by receiving titles or offices from the Government of another country without previous permission from the federal Congress or from its permanent committee, excepting literary, scientific, or humanitarian honours, which may be freely accepted,

/(e) by aiding

- (e) by aiding a foreigner or a foreign Government against the Nation, in any diplomatic claim or before an international tribunal; and
- (f) in the other cases established by law.

Netherlands, Constitution of

Article 6

It shall be declared by law who are Netherlands subjects and who are citizens.

Naturalization shall take place by or in virtue of a law. The consequence of naturalization in respect of the wife and children under age of the naturalized person shall be regulated by law.

Philippines, Constitution of the

Article 4

The following are citizens of the Philippines:

1. Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.
2. Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.
3. Those whose fathers are citizens of the Philippines.
4. Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.
5. Those who are naturalized in accordance with law.

Philippine citizenship may be lost or reacquired in the manner provided by law.

Poland, Constitution of

Article 87

A Polish citizen may not be at the same time a citizen of another state.

Article 88

Polish citizenship is acquired:

1. by birth if the parents are Polish citizens,
2. by naturalization granted by the competent State authority.

Special statutes define other rules as to Polish citizenship, its acquisition and loss.

/Syria,

Syria, Constitution of

Article 5

The conditions under which Syrian nationality may be acquired or forfeited shall be laid down by law.

Turkey, Constitution of

Article 88

Any person born of a Turkish father, in Turkey or elsewhere, as well as any person born of an alien father domiciled in Turkey and who, residing in Turkey, formally assumes Turkish citizenship upon attaining majority, as well as any person granted Turkish citizenship by law, are Turks. Turkish citizenship may be lost under circumstances defined by law.

United States of America, Constitution of

14th Amendment

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Article IV, Section 2, Clause 1

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Union of Soviet Socialist Republics, Constitution of

Article 21

A single Union citizenship is established for all citizens of the Union of Soviet Socialist Republics.

Every citizen of a Union Republic is a citizen of the Union of Soviet Socialist Republics.

Yugoslavia, Constitution of

Article 28

Paragraph 9. Federal law determines in which cases and in what manner citizens of the Federal Peoples Republic of Yugoslavia may be deprived of their citizenship.

SECTION IV - DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 33

"No alien who has been legally admitted to the territory of a State may be expelled therefrom except in pursuance of a judicial decision or recommendation as a punishment for offenses laid down by law as warranting expulsion."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

III. NATIONAL CONSTITUTION

Brazil, Constitution of

Article 143

The federal Government may expel from the national territory an alien injurious to the public order, unless he has married a Brazilian and has a Brazilian child dependent upon paternal support.

Cuba, Constitution of the Republic of

Article 31

In case of the expulsion of an alien from national territory, in conformity with the Constitution and the law, such expulsion shall not be made to the territory of the State that may reclaim him if political asylum is involved.

/Denmark,

Denmark, Constitution of

Article 50

No alien may acquire naturalization except in accordance with the law.

Guatemala, Constitution of

Article 26

Extradition of persons accused of political offenses is prohibited.

When expulsion of an alien from the national territory is agreed to, it shall not be effected to a State that would persecute him, if political asylum is involved.

Iran, The Supplementary Fundamental Laws

Article 24

Foreign subjects may become naturalized as Persian subjects, but their acceptance or continuance as such, or their deprivation of this status, is in accordance with a separate Law.

Netherlands, Constitution of

Article 4

All persons who are on the territory of the Realm, shall have equal rights to protection of their person and goods.

The admission and expulsion of aliens and the general conditions under which, in respect of their extradition, treaties may be concluded with foreign powers, shall be regulated by law.

Nicaragua, Constitution of

Article 121

It is the province of the law to determine the rules and conditions for the expulsion of aliens from the national territory.

Paraguay, Constitution of

Article 36

Aliens shall not be obliged to assume citizenship.

If they shall make attempts against the security of the Republic or disturb public order, the Government may effect their expulsion from the country, in conformity with the regulatory laws.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 34

"Every State shall have the right to grant asylum to political refugees."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Cassin (France):

He mentions the "right of asylum".*

Mr. Dukas (United Kingdom):

He affirms that the right of a nation to claim the extradition of its criminals ought to be preserved.**

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision

Cuba

Article 21

The right to sanctuary in a foreign country when escaping from persecution of a political, religious or racial nature.

Panama

No provision

B. Proposals

India

No provision

United States

No provision

* H.R. Com. - 1st session - 13th meeting - p. E-101

** H.R. Com. - 1st session - 14th meeting - p. E-20

SECTION III. NATIONAL CONSTITUTIONS

Brazil, Constitution of

Article 141

31. There shall be no penalty of ... banishment ...

33. Extradition of an alien shall not be granted for political crimes or crimes of opinion, nor extradition of a Brazilian, in any case.

Byelorussia, Constitution of

Article 104

See Article 129 of the Union of Soviet Socialist Republics, Constitution.

Cuba, Constitution of

Article 31

The Republic of Cuba offers and recognizes the right of asylum to those persecuted for political reasons provided that persons thus sheltered respect the national sovereignty and the laws.

The State shall not authorize the extradition of persons guilty of political crimes, nor shall it attempt to extradite Cubans guilty of these crimes who may have taken refuge in foreign territory...

Egypt, Royal Rescript

Article 151

The extradition of political refugees is prohibited, without prejudice to the international agreements aiming at the protection of social order.

El Salvador, Constitution of

Article 11

The Republic is a sacred asylum for the alien who may reside in its territory, except for those guilty of common offenses who are claimed by another Nation by virtue of existing treaties in which extradition is provided.

Extradition shall never be stipulated, in any case, with respect to nationals, nor, with respect to aliens, for political crimes, even though in consequence a common crime may result from them.

France, Constitution of

4. Anyone persecuted because of his acts in favour of liberty has the right of asylum on the territories of the Republic.

Guatemala, Constitution of

Article 26

Guatemala recognizes and offers the right of asylum to politically persecuted persons, provided that they respect national sovereignty and laws.

/Haiti

Haiti, Constitution of

Article 30

The right of asylum of political refugees is acknowledged on condition that they comply with the country's laws.

Article 31

Extradition on political grounds shall be neither allowed nor requested.

Mexico, (United Mexican States) Constitution of

Article 11

Any person has the right to enter the Republic, leave it, travel through its territory, and change residence without the necessity of a letter of security, passport, safe conduct, or similar requirements. The exercise of this right shall come under the jurisdiction of the judicial authority in cases of criminal and civil responsibility and under the jurisdiction of the administrative authority in so far as it relates to the limitations that the laws impose on emigration, immigration, and the general health of the Republic, or on undesirable aliens residing in the country.

Article 15

The negotiation of treaties for the extradition of political offenders or those covering civil delinquents who may have been slaves in the country where they committed the offense shall not be authorized; nor shall conventions or treaties be made by virtue of which guarantees and rights established for the individual and the citizen by this Constitution are altered.

Panama, Constitution of

Article 23

The State may not be obliged to surrender its own nationals by any international extradition treaty.

Nor will extradition be granted for aliens who are pursued for political offenses.

Ukraine, Constitution of

Article 128

See Article 129 of the Union of Soviet Socialist Republics, Constitution.

/Union of

Union of Soviet Socialist Republics, Constitution of

Article 129

The Union of Soviet Socialist Republics, affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for their scientific activities, or for their struggle for national liberation.

Yugoslavia, Constitution of

Article 31

Foreign citizens persecuted on account of their struggle for the principles of democracy, for national liberation, the rights of the working people, or the freedom of scientific and cultural work, enjoy the rights of asylum in the Federal Peoples Republic of Yugoslavia.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 6

The right of asylum is to be guaranteed by all nations. No human being who is a refugee from any political regime he disapproves is to be forced to return to territory under the sovereignty of that regime.

ARTICLE 35

"Every one has the right to medical care. The State shall promote public health and safety."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mrs. Mehta (India):

".....with regard to the third group of rights, right to medical care is not enough. The real wording is right to health, because the individual expects not merely medical care from the State but also such preventive measures as would protect his health. Therefore, right to health is the recognized terminology and I would like you to substitute it for the right to medical care."*

Mr. Tepliakov (Union of Soviet Socialist Republics)

".....I had some remarks in connection with the last remarks of the representative from India on the right to medical care. The right to medical care was written into this paper and she moved to change this wording to "the right to health". It is quite vague to say "the right to health". No one has denied that, but again, that is the question of how you enjoy this right and what you mean under this particular point.

In my point of view, the right to medical care might be left in here. But if it is necessary to make it more explicit, I would say "the right to maintenance in old age, sickness and loss of capacity for labour." It means that all men and women have the right as such, to the maintenance of their health during their life, but health as a general expression is too wide and depends upon many, many circumstances from the very day of the beginning of one's life."**

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XVI

.....the state must promote measures of public health.....

Cuba Article 13

The right to live in surroundings free from avoidable diseases.

Article 14

The right to adequate medical assistance.

Panama (American Law Institute) Article 15

Every one has the right to social security.

* H.R. Com. - 1st session - 14th meeting - page E/64

** H.R. Com. - 1st session - 14th meeting - page E/71

The state has a duty to maintain or insure that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accident, and for the provision of medical care and of compensation for loss of livelihood.

B. Proposals

India

I (c)

Every human being has the right to health.

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of

Article 124

The State shall enact measures for protecting the health and life of working men, employees, and farm labourers; it shall see that these have healthy lodgings and it shall promote the construction of cheap houses; it shall also provide technical education for manual labourers...

.....The authorities shall likewise control the conditions of security and public health that must be maintained in professions or trades, as well as work on farms and in mines.

Brazil, Constitution of

Article 157

14th...Sanitation assistance, including hospitalization and preventive medicine, to the worker and to the expectant mother.

Byelorussia, Constitution of

Article 95

See USSR constitution Article 120.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

14th...It is the duty of the State to care for the public health and hygienic welfare of the country. It must provide each year an amount of money sufficient to maintain a national health service.

China, Constitution of

Article 157

The State, in order to improve national health, shall extensively establish sanitation and infant health protection enterprises and a system of socialized medical service.

/Cuba,

Cuba, Constitution of the Republic of

Article 80

Social assistance shall be established under the direction of the ministry of health and social assistance; this assistance shall be organized by special legislation, which shall appropriate funds to provide for the necessary ~~reserves~~.

Hospital, sanitary, medical examiner's and other positions that may be necessary in organizing the corresponding official services in an adequate manner, shall be established.

Honduras, Constitution of

Article 196

Safeguarding public health and hygienic welfare of the nation is a duty of the State.

Panama, Constitution of the Republic of

Article 92

It is an essential function of the State to watch out for public health. The individual has the right to the protection, preservation, and restitution of his health and the obligation of preserving it.

In consequence, the State will develop principally activities that are detailed in continuation:

- 1st. To combat transmissible diseases by means of individual treatment and improvement of the environment.
 - 2nd. To protect maternity and reduce infant mortality by means of medical assistance and adequate nutrition.
 - 3rd. To supplement the feeding of needful students and to supply school children with the service of medical supervision.
 - 4th. To establish hospitals, dental clinics, and dispensaries, in accordance with the needs of each region, in which services are given and free medicines supplied to those who lack pecuniary resources; and
 - 5th. To popularize systematically the principles of scientific nutrition, personal hygiene, and home sanitation.
- The National Assembly will enact a sanitary code.

/Paraguay,

Paraguay. Constitution of

Article 11

Care for the health of the population, and social assistance, as well as the moral, spiritual, and physical education of youth, are fundamental duties of the State.

Peru. Constitution of the Republic of

Article 50

The State has in its charge public health, and it cares for individual health, enacting the laws for hygiene and sanitary control that may be necessary, as well as those that favour the physical, moral, and social improvement of the population.

Ukrainian Soviet Socialist Republic. Constitution of the

Article 119

See USSR Constitution Article 120.

Union of Soviet Socialist Republics. Constitution of

Article 120

"Citizens of the USSR have the right to maintenance in old age and also in case of sickness or loss of capacity to work.

"This right is ensured by the extensive development of social insurance of workers and employees at state expense, free medical service for the working people and the provision of a wide network of health resorts for the use of the working people."

Uruguay. Constitution of

Article 43

The State shall legislate on all questions relating to public health and hygiene, to obtain the physical, moral, and social improvement of all inhabitants of the country.

All inhabitants have the obligation of taking care of their health, as well as that of being given assistance in case of illness. The State shall freely provide means of prevention against illness, and medical aid, to those who are indigent or who lack sufficient means.

Yugoslavia. Constitution of

Article 36

"The State promotes the improvement of public health by organizing and controlling health services, hospitals, pharmacies, sanatoria, nursery and convalescent homes and other health institutions.

/"The State

"The State extends its care to the physical education of the people, especially of young people in order to increase the health and the working capacity of the people and the power of defense of the State."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 36

"Every one has the right to education. Each State has the duty to require that every child within its territory receive a primary education. The State shall maintain adequate and free facilities for such education. It shall also promote facilities for higher education without distinction as to the race, sex, language, religion, class or wealth of the persons entitled to benefit therefrom."

SECTION I - OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Lebeau (Belgium):

"the right to education for children".*

SECTION II - DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XVII

Every person has the right to education.

The right of children to education is paramount.

The State has the duty to assist the individual in the exercise of the right to education, in accordance with the resources of the State. The opportunities of education must be open to all upon equal terms in accordance with their natural capacities and their desires to take advantage of the facilities available.

Cuba

Article 8

The right to education which will enable him to improve himself in every respect and will lead to his becoming a useful member of society and sharing in all the material and spiritual benefits of civilization.

Panama (American Law Institute)

Article 11

Every one has the right to education.

The State has a duty to require that every child within its jurisdiction receive education of the primary standard; to maintain or insure that there are maintained facilities for such education which are adequate and free; and to promote the development of facilities for further education which are adequate and effectively available to all its residents.

* H.R. Com. - 1st session - 13th meeting - p. E/82.

B. Proposals

India

Article I (c)

Every human being has the right to education.

United States

2.

Among the categories of rights, the United States suggests should be considered are the following:

.....

c/the right to enjoy minimum standards of economic, social and cultural well-being.

SECTION III - NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government

Article 20

Primary education for the children of Afghan subjects is compulsory.

Article 22

The public schools of Afghanistan are under the supervision of the Government, so that the education and culture imparted by these institutions may, without infringing the articles of the Islamic faith, provide the benefits which accrue from the study of literature, art and science. But there will be no interference with principles of education which are concerned with the faith and religion of the "Ahl-i-Zimma".

Argentina, Constitution of

Article 5

Each Province shall adopt for itself a constitution, under the republican, representative system, in accordance with the principles, declarations, and guarantees of the national Constitution, insuring its administration of justice, municipal government, and primary education. Under these conditions, the Federal Government guarantees to each one of the Provinces the enjoyment and exercise of its institutions.

Belgium, Constitution of

Article 17

There shall be freedom of opinion in teaching; all measures preventing this are forbidden; the repression of offenses shall be regulated only by law.

Public instruction given at the expense of the State shall likewise be regulated by law.

/ Bolivia,

Bolivia, Constitution of

Article 6

Every person has the following fundamental rights in conformity with the laws that regulate their exercise:

.... 6th. To receive instruction.

Article 154

Education is the highest function of the State. Public instruction shall be organized according to the single school system. School attendance for children between the ages of seven and fourteen years is obligatory. Primary and secondary instruction by the State is free.

Article 155

The State shall economically aid apt students who do not have access to higher education for lack of funds, so that vocation and capacity may be the conditions that prevail over the social or economic position of individuals.

Article 162

Education is subject in all grades to the protection of the State, exercised by mediation of the Minister of Education.

Brazil, Constitution of

Article 168

Teaching legislation shall adopt the following principles:

1st. Primary schooling is obligatory and may be given only in the national language.

2nd. Primary schooling is official and gratuitous for everyone; the official schooling subsequent to the primary shall be free for whomever proves lack or insufficiency of means.

3rd. Industrial, commercial and agricultural establishments, in which more than 100 persons work, are obligated to maintain gratuitous primary teaching for their employees and the children of the latter.

7th. Liberty of teaching posts is guaranteed.

/Article 166

Article 166

Education is the right of everyone, and shall be administered at home and in the school. It shall be inspired by the principles of liberty, and the ideals of human solidarity.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

7th. Primary education is obligatory. There shall be a superintendency of public education in the charge of which will be the inspection of national instruction and its direction, under the authority of the Government.

China, Constitution of

Article 21

The people shall have the right and duty of receiving citizen's education.

Article 158

Education and culture shall have as its aim the development among citizens of a national spirit, a democratic spirit, national morality, sound and healthy physique, of sciences and of the knowledge and ability to earn a living.

Article 159

Citizens shall have equal opportunity to receive education.

Article 160

All children of the school age from six to twelve years shall receive primary education free and those who are poor shall be supplied with textbooks by the Government.

All citizens beyond school age who have not received primary education shall receive supplementary education free, and shall also be supplied with textbooks by the Government.

Article 164

Expenditure for educational, scientific and cultural purposes shall be, in case of the Central Government, not less than fifty per cent of the total national budget, in case of the provinces, not less
/than 25

than 25 per cent of the total hsien budget....

Colombia, Constitution of

Article 41

2. Primary instruction shall be free in the schools of the State and obligatory to the degree that the law prescribes.

Costa Rica, Constitution of

Article 61

The State shall watch over the technical training of workers, for the purpose of obtaining the greatest efficiency in their labour and of gaining an increase in national production.

Article 67

Primary instruction is obligatory, free, and sustained by the Nation. The direction of it belongs to the Executive.

The State will maintain the schools of primary instruction and academies of secondary education that the necessities of the country may require, and will create revenue for the support of the University.

Cuba, Constitution of the Republic of

Article 45

2. Childhood and youth are protected from exploitation and from moral and material neglect. The State, the Provinces, and the municipalities shall organize adequate institutions for this purpose.

Article 48

Primary instruction is obligatory for minors of school age, and its dispensation shall be the obligation of the State, without lessening the co-operative responsibility falling to municipal initiative.

Both primary and pre-primary instruction shall be gratuitous when imparted by the State, Province, or municipality. The necessary teaching materials shall likewise be gratuitous.

Secondary basic instruction, and all higher instruction imparted by the State or the municipalities, exclusive of specialized pre-university and university studies, shall be gratuitous.

In institutes created, or which may be created in the future in the pre-university category, the law may maintain or establish the payment of a moderate co-operation fee for matriculation that shall be

/designated

designated for the up-keep of each establishment.

As far as possible, the State shall offer fellowships for the enjoyment of non-gratuitous official instruction to students who, having determined their vocations and having exceptional aptitudes, are prevented, by insufficiency of resources, from carrying on such studies on their own account.

Article 49

The State shall maintain a system of schools for adults, especially dedicated to the elimination and prevention of illiteracy; rural schools predominantly practical, organized with a view to the interest of small communities of agricultural, maritime, or any other type; art schools, and technical institutes of agriculture, industry and commerce, oriented in a manner to respond to the necessities of the national economy. All of these kinds of instruction shall be gratuitous and the Provinces and municipalities shall collaborate in their maintenance to the extent of their means.

Article 50

The State shall maintain the normal schools necessary for the technical preparation of the teachers in charge of primary instruction in the public schools. No other educational centre may issue degrees for primary teachers, with the exception of the schools of pedagogy of the universities.

The previous provisions do not exclude the right of schools created by law, to issue pedagogical degrees relating to special matters that may be the subject of their instruction.

Article 51

Public instruction shall be organized in an organic form, so that adequate articulation and continuity may obtain for all grades, including the higher. The official system shall provide vocational stimulus and the development in the light of the multiplicity of the
/professions,

professions, and taking into account the cultural and practical necessities of the Nation.

All instruction, public or private, shall be inspired by a spirit of Cubanism and human solidarity, tending to form in the minds of those being educated a love for their Fatherland, its democratic institutions, and for those who have fought for one or the other.

Article 52

All public instruction shall be provided for in the budgets of the State, the Provinces, or the municipalities, and shall be under the technical and administrative direction of the Minister of Education, with the exception of departments of instruction that, because of their special character, are subordinate to other ministries ...

..... The budget of the ministry of education shall not be less than the normal budget of any other ministry except in case of emergency declared by law.

The monthly salary of a teacher of primary instruction must not be, in any case, less than a millionth part of the total budget of the Nation.

Persons holding official teaching positions have the rights and duties of public officials.

Appointments, promotions, transfers, and dismissals of public teachers and professors, inspectors, technicians, and other school officials, shall be regulated in such a manner that no considerations other than strictly technical ones may apply, but this stipulation shall not affect the vigilance over the moral conduct to which such officials must conform.

Article 59

A national council of education and culture shall be created which, presided over by the Minister of Education, shall be in charge of the encouragement, technical direction, or inspection of the educational, scientific, and artistic activities of the Nation.

The opinion of this body shall be heard by the Congress on every bill relating to matters within its competence.

/Positions on the

Positions on the national council of education and culture shall be honorary and uncompensated.

Denmark, Constitution of

Article 83

Children, whose parents are without means to provide for their education, are entitled to free education in the elementary schools. Parents or guardians who themselves make provision for the children's receiving an education comparable with general requirements in elementary schools, are not obliged to have the children educated at elementary schools.

Dominican Republic, Constitution of

Article 6

4th. Freedom of education. Primary instruction will be subject to the revision of the State and will be obligatory for the scholastic minor, in the form that the law establishes. This instruction will be gratuitous in official institutions, the same as with that which is given in schools of agriculture, manual arts, and domestic economy.

Ecuador, Constitution of

Article 177

....Education and instruction, in so far as they are compatible with morality and republican institutions, shall be free Elementary education, either public or private, shall be compulsory.

In private or public free establishments, school social services shall be available, without discrimination, to pupils who require them...

Article 173

The State shall found and maintain special free training establishments for arts and crafts, trade, agriculture and other types of remunerative work.

Egypt, Royal Rescript No. 42 of 1923

Article 19

Elementary education is compulsory for young Egyptians of both sexes. It is given free of charge in the public maktab.

Article 18

Public education shall be regulated by law.

/El Salvador,

El Salvador, Constitution of

Article 33

Instruction is free; primary instruction, moreover, is obligatory, Instruction that is given in establishments supported by the State shall be gratuitous and shall be subject to proper regulations.

France, Constitution of

Article 14

The nation guarantees equal access of the child and the adult to instruction, to vocational training and to culture. The organization of free and secular public education at all stages is a duty of the State.

Greece, Constitution of

Article 16

Education, which is under the supreme supervision of the State, is conducted at the State expense.

Elementary education is obligatory for all, and is given free by the State.

Private persons and corporations are allowed to establish private schools conducted in accordance with the Constitution and the laws of the Realm.

Guatemala, Constitution of

Article 81

There shall be a minimum (standard) of common instruction, obligatory, for all inhabitants of the country, within the limits of age and conforming to the plans and programmes affixed by the respective law ...

Article 82

The following are declared to be of social utility; the campaign for national literacy; the free offering of the minimum of official common, agricultural, industrial, artistic, and normal instruction ...

Article 85

The State guarantees freedom of educational judgement.

Haiti, Constitution of

Article 23

Freedom of instruction may also be exercised as provided by law under the control and supervision of the State, which is concerned with the moral and civic training of citizens.

Public education is a responsibility of the State and of the communes.

Elementary instruction is compulsory.

Public instruction shall be free of charge in all grades without prejudice to the conditions of admission.

Honduras, Constitution of

Article 60

Freedom of instruction is guaranteed. Teaching maintained by public funds shall be laical, and primary instruction, furthermore, shall be free of charge, obligatory, paid for by the municipalities and subsidized by the State.

Iceland, Constitution of

Article 71

Should parents not possess means to provide for the education of their children, or should the children be orphans or poor, their instruction and maintenance shall be provided for out of public funds.

Iran, The Supplementary Fundamental Laws

Article 18

The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Article 19

The foundation of schools at the expense of the government and the nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Liberia, Constitution of

Article I

Section 15. The improvement of the Native tribes and their advancement in the arts of agriculture and husbandry being a cherished object of this Government, it shall be the duty of the President to appoint in each county some discreet person whose duty it shall be to make regular and periodical tours through the country for the purpose of calling the attention of the Natives to those wholesome branches of industry, and of instructing them in the same and the Legislature, shall as soon as can conveniently be done, make provisions for these purposes by the appropriation of money.

/Luxembourg.

Luxembourg, Constitution of

Article 23

The State shall ensure that every Luxemburg national receives elementary education. It shall establish institutions for intermediate instruction and courses for higher education as may be necessary.

The law shall prescribe the manner in which the cost of public instruction shall be met, and the conditions for the supervision of education by the Government and the communes; it shall lay down rules respecting all other matters relating to education. Every Luxembourg national is free to study in the Grand Duchy or abroad and to attend any university which he may choose, subject to the provisions of the law relating to the conditions for admission to employment or to the exercise of certain professions.

Mexico, (United Mexican States) Constitution of

Article 3

Primary education shall be obligatory and the State shall impart it freely.

The education that the State imparts shall be socialistic and besides excluding all religious doctrine, it shall combat fanaticism and prejudices, for which purpose the school shall organize its instruction and activities in a form that may permit the creation in youth of a rational and exact concept of the universe and of social life.

Article 31

It shall be the duty of all Mexicans:

1. To see to it that their children or wards less than fifteen years of age attend public or private schools to obtain a primary, elementary, and military education during the time prescribed by the law of public instruction in each State.

Netherlands, Constitution of

Article 195

Education shall be an object of constant solicitude on the part of the Government.

/The imparting

The imparting of education shall be free, saving superintendence by the Government and, moreover, in so far as general education, elementary as well as secondary, is concerned, saving the examination with regard to the ability and morality of the teacher, the whole to be regulated by law.

Public education shall be regulated by law, every person's religious views being duly respected.

In each municipality the authorities shall impart sufficient public general elementary education in an adequate number of schools.

According to rules to be laid down by law, deviation from this provision may be permitted, provided that opportunity is given for such education to be received.

Nicaragua, Constitution of

Article 86

Public education is the special interest of the State.

Article 88

Primary instruction is obligatory, and, when supported by the State and public bodies, it is free and secular.

Article 89

The State promotes instruction in the secondary and superior grades.

Article 93

The profession of official education is a public career and enjoys the rights fixed by the law.

Article 92

The moral education of youth will be fostered in all schools, as well as the development of civic sentiment and personal and professional honesty.

Article 91

The State promotes technical education for workers, and schools for agricultural and industrial education.

Article 99

Agriculture or industrial enterprises that are located outside the radius of urban schools and that embrace more than thirty children of

/school age

school age will be obliged to maintain a school adequate for primary elemental teaching.

Panama, Constitution of the Republic of

Article 77

The service of national education in its intellectual, moral, civic, and physical aspects is an essential duty of the State. National education will be inspired by democratic doctrine and ideals of national aggrandizement and human solidarity.

It is a function of the State to fix the bases of education, which will be organized in a form in which unity, articulation, and continuity exist in all its grades.

Every educational institution is of public and social utility.

Article 78

Primary education is obligatory. Public pre-school, primary, and secondary education, in all its grades and types, will be gratuitous. The gratuity of pre-school and primary instruction implies the obligation for the State of providing for the pupil all the equipment that may be necessary for his learning. The gratuity of secondary instruction does not prevent the establishment of a matriculation fee.

Article 90

The State will develop popular culture by all possible means and will maintain a system of gratuitous complementary courses for adults, intended to prevent and eliminate illiteracy and to the practical preparation of the working classes.

Article 91

The law will create a department of physical culture which will have the mission of diffusing said culture in teaching institutions and among the masses of the people.

Article 87

In order to make effective the economic autonomy of the university, the State will give it what is indispensable for its installation, functioning, and future development, as well as the patrimony that is

/spoken of in

spoken of in the preceding article and the means necessary for increasing it.

Article 86

The official university of the Republic is autonomous. Juridical personality, its own patrimony, and the right of administering it are recognized. It has the power to organize its studies and to designate and separate its personnel in the form that the law determines. It will include in its activities the study of national problems and the diffusion of popular culture.

Article 89

The State will promote the establishment of special technical, industrial and professional, and stock-raising and commercial schools, adapting them to the specific needs of the Nation. The law will establish, after the primary school, services of professional orientation that allow discovering the aptitudes and capacities of the students and guiding them toward their better individual and social utilization.

Article 84

Expenditures that are required for the sustaining of the service of education will have preference over any others whatever. The organic law of the branch will determine the proportion of the revenues that must be designated for that service.

Article 83

The law will establish the necessary incentives for the publication of national didactic works and standards for their adoption as official texts.

Article 82

Only the State may grant scholarships or financial aid to students who have won in competition or public contests or who may have obtained in their studies the qualifications that, in conformity with the law, make them deserving of the assistance of the State.

/Under equality

Under equality of excellence, preference shall be given to those participants whose economic means do not permit them to attend to the studies for which they may be presented in the competition.

Article 74

It is the duty of industrial enterprises, in the spheres of their specialization, to create schools for apprentices intended to promote labour education among the children of their operatives or associates. The law will regulate this matter.

Paraguay, Constitution of

Article 11

Care for health of the population, and social assistance, as well as the moral, spiritual and physical education of youth, are fundamental duties of the State.

Article 10

Primary education is obligatory and free; the Government shall develop secondary, professional, and university instruction.

Article 19

All the inhabitants of the Republic enjoy the following rights, in conformity with the laws that may regulate their exercise: ... to learn ...

Peru, Constitution of the Republic of

Article 71

The technical direction of education belongs to the State.

Article 72

Primary instruction is obligatory and gratuitous.

Article 73

There shall be at least one school in each locality in which the school population is thirty pupils.

Complete primary instruction shall be apportioned in each capital of a province and of a district.

Article 52

The protection of the physical, mental, and moral health of infancy is a primary duty of the State. The State protects the right of the

/child to

child to home life, education, vocational orientation, and ample assistance when in a situation of neglect, illness, or misfortune. The State shall commit the fulfillment of the provisions of this article to adequate technical organizations.

Article 75

The State encourages instruction in the secondary and higher grades with a tendency toward making it gratuitous.

Article 77

The State encourages the technical instruction of workers.

Article 78

The State encourages and contributes to the support of pre-school and post-school education and of schools for retarded or abnormal children.

Article 79

Moral and civic education of children is obligatory and shall necessarily be inspired by the national growth and human solidarity.

Article 74

Schools that may function in industrial, agricultural, or mining centres, shall be supported by the respective proprietors or enterprises.

Article 76

There shall be at least one school of industrial orientation in each Department.

Article 83

The minimum amount of the income intended for the support and diffusion of instruction, and the proportion by which it must annually be increased, shall be stipulated by the law.

Philippines, Constitution of the

Article 14

Section 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

/Section 5.

Section 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizen training for adult citizens. All schools shall aim to develop moral character, personal discipline, civil conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships, in arts, science and letters for specially gifted citizens.

Poland, Constitution of

Article 118

Within the limits of the elementary school, instruction is compulsory for all citizens of the State. A statute will define the period, limits and manner of acquiring such education.

Article 119

Teaching in State and self-government schools is gratuitous.

The State will insure to pupils who are exceptionally able, but not well-to-do, scholarships for their maintenance in secondary and academic schools.

Article 120

Instruction in religion is compulsory for all pupils in every educational institution, the curriculum of which includes instruction of youth under eighteen years of age, if the institution is maintained, wholly or in part by the State, or by self-government bodies. The direction and supervision of religious instruction in schools belong to the respective religious communities, reserving to the State educational authorities the right of supreme supervision.

Saudi-Arabia, Constitution of

Article 25

A law for public education shall be decreed and shall be brought into force gradually. Elementary education shall be free of cost throughout the Kingdom of the Hejaz.

/Syria,

Syria, Constitution of the State of

Article 21

Primary education shall be compulsory for all Syrians of both sexes, and shall be given free of charge in the public schools.

Article 22

The curriculum for public education shall be laid down by a law and shall ensure educational uniformity.

Article 23

All schools shall be placed under Government supervision.

Turkey, Constitution of

Article 87

Primary education is compulsory for all Turks and is free in public schools.

Union of Soviet Socialist Republics, Constitution of

Article 121

Citizens of the Union of Soviet Socialist Republics have the right to education.

This right is ensured by universal, compulsory elementary education; by education, including higher education, being free of charge; by the system of State stipends for the overwhelming majority of students in the universities and colleges; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations and collective farms of free vocational, technical and agronomic training for the working people.

Uruguay, Constitution of

Article 61

Primary education is obligatory. The State shall provide what is necessary for its enforcement,

Article 62

Official free primary, intermediate, superior, industrial, and artistic instruction, and physical education is declared a social need; also the creation of scholarships for cultural, scientific, and industrial improvement and specialization, as well as the establishment of popular libraries.

All institutions of learning shall provide especially for the formation of the moral and civic character of the students.

/Yugoslavia,

Yugoslavia, Constitution of

Article 38

In order to raise the general cultural standard of the peoples, the State ensures the accessibility of schools and other educational and cultural institutions to all classes of the people.

The State pays special attention to the young and protects their education.

Schools are State-owned. The founding of private schools may be permitted only by law and their work is controlled by the State.

Elementary education is compulsory and free.

The School is separate from the Church.

SECTION IV - DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A.

American Federation of Labor

No provision.

ARTICLE 37

"Every one has the right and the duty to perform socially useful work."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Dukes (United Kingdom):

".....I am referring now to the tops of the page (c) where it reads "Prohibition of slavery and compulsory labour"....."

"I see difficulty in making any attempts to provide or to place on a country the obligation to provide for the right to work, if that right is to be implemented only on one side. What is to happen in the case of the individual who may decline, and, assuming that he is in a state of penury? Is he to have the right to throw his economic burden upon the state without his having any obligation to the State within which he claims, alternatively either the work or the right to absent himself from work?" *

Mr. Tepliakov (USSR)

".....the principle of an obligation or duty of the citizens to work for the common purposes of the community and in the country and in the United Nations, must be provided." **

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XIV (paragraphs 1-3)

Every person has the right to work as a means of supporting himself and of contributing to the support of his family.

Every person has the duty to work as a contribution to the general welfare of the state.

Cuba

Article 7

The right to equal opportunity with others in shaping his life, raising the standard of living, and fulfilling a useful function in society.

* H.R. Com. - 1st session - 14th meeting - page E/20
** H.R. Com. - 1st session - 14th meeting - page E/22

Panama (American Law Institute)

Article 12

Every one has the right to work.

The state has a duty to take such measures as may be necessary to insure that all its residents have an opportunity for useful work.

B. Proposals

India

I. (c)

Every human being has the right of security including the right to work.....

United States

II. 2.

Among the categories of rights which, the United States suggests should be considered are the following:

c/ social rights such as the right to employment.....

SECTION III. NATIONAL CONSTITUTIONS

Brazil, Constitution of

Article 145

...Every one is assured work that enables a dignified existence. Work is a social obligation.

Byelorussia, Constitution of

Articles 93 and 12

See USSR Constitution Articles 118 and 12

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

14th....No kind of labour or industry may be prohibited unless it is contrary to good usage, the public security, or public health, or as the national interest may demand and law so declare....

China, Constitution of

Article 15

The right of existence, the right of work and the right of property shall be guaranteed to the people.

Colombia, Constitution of

Article 17

Labour is a social obligation and shall enjoy a special protection of the State.

Costa Rica, Constitution of

Article 52

Labour is a social duty and enjoys the special protection of the law

/with the purpose

with the purpose that in its fulfillment it gives the individual the right to a suitable existence and agrees with his abilities and aptitudes.

Cuba, Constitution of the Republic of

Article 60

Labour is an inalienable right of the individual. The State shall employ all the resources in its power to provide an occupation for every one who lacks such, and shall assure the economic conditions necessary for a proper existence to every worker, manual or intellectual.

Ecuador, Constitution of

Article 170

Work shall be compulsory for all members of the Ecuadorian community, subject to consideration of age, sex, health, etc.. and allowing freedom of choice...

Article 187

"The State shall guarantee to the inhabitants of Ecuador: ...(10) freedom of work, trade and industry... no one shall be compelled to work without a contract and the corresponding remuneration..."

France, Constitution of

Paragraph 5 - Every one has the duty to work and the right to obtain employment.

Guatemala, Constitution of

Article 55

Labour is a right of the individual and a social obligation. Vagrancy is punishable.

Nicaragua, Constitution of

Article 97

The possibility of earning a living by means of productive work should be procured for all inhabitants, with preference to nationals.

Paraguay, Constitution of

Article 22

All inhabitants of the Republic are obliged to earn their living by legitimate work.

Poland, Constitution of

Article 102

Paragraph 1 - Labour is the main basis of the wealth of the Republic, and should remain under the special protection of the State.

/Turkey,

Turkey, Constitution of

Article 70

Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Ukrainian Soviet Socialist Republic, Constitution of the Articles 117 and 12

See USSR Constitution Articles 118 and 12.

Union of Soviet Socialist Republics, Constitution of the

Article 118.

"Citizens of the USSR have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality.

"The right to work is assured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment."

Article 12

"In the USSR work is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle:

"He who does not work, neither shall he eat."

The principle applied in the USSR is that of socialism:

"From each according to his ability, to each according to his work."

Uruguay, Constitution of

Article 52

Labour is under the special protection of the law.

Every inhabitant of the Republic, without jeopardizing his liberty, has the obligation of applying his intellectual or physical energies in such form as to redound to the benefit of society, and the latter shall endeavour to offer, with preference to citizens, the possibility of earning a living by means of the development of economic activity.

Article 54

The law shall provide an impartial and equitable distribution of work.

/Yugoslavia,

Yugoslavia, Constitution of

Article 32

"It is the duty of every citizen to work according to his abilities;
he who does not contribute to the community cannot receive from it."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labour

No provision.

ARTICLE 38

"Every one has the right to good working conditions".

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS
COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO
THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article 14 (para.

The state has the duty to assist the individual in the exercise of his right to work when his own efforts are not adequate to secure employment; it must make every effort to promote stability of employment and to insure proper conditions of labour, and it must fix minimum standards of just compensation.

Cuba Article 9

The right to work under conditions fitting to his status as a human being and to receive, in return, a remuneration in proportion to the value of his contribution to the community.

Panama (American Law Institute) Article 13

Every one has the right to reasonable conditions of work.

The state has a duty to take such measures as may be necessary to insure reasonable wages, hours, and other conditions of work.

B. Proposals

India

No provision.

United States II 2. c/

Among the categories of rights which, the United States suggests should be considered are the following:

c/ social rights such as the right to employment and social security and the right to enjoy minimum standards of economic social and cultural well being.

SECTION III. NATIONAL CONSTITUTIONS.

Bolivia, Constitution of Article 121

Work and capital, as factors of production, enjoy the protection of the State.

Article 125

Free professional and trade union association is guaranteed and the collective bargaining contract is recognized.

/Article 126

Article 126

The right to strike, according to law, is recognized as a means of defense for labourers.

Article 127

The law shall determine the system of participation of employees and workers in the profits of concerns.

Article 129

The rights and benefits recognized by law in favour of labourers and employees may not be renounced. Agreements to the contrary or which tend to contravene its effects are void.

Brazil, Constitution of

Article 157

Labour legislation and that of social welfare shall obey the following precepts, in addition to others aiming to improve the conditions of workers:

- 1st. A minimum wage capable of satisfying, in conformity with the conditions of each region, the normal needs of the worker and his family.
- 3rd. A wage for night work higher than that for day work.
- 5th. Daily work not exceeding eight hours, except in the cases and conditions provided by law.
- 8th. Sanitation and safety of labour.
- 9th. Prohibition of work for minors under fourteen years of age; of work in unhealthful industries, for women and for minors under eighteen years of age; and of night work, for minors under eighteen years of age; respecting, in every case, the conditions established by law and the exceptions granted by a competent judge.
- 13th. Recognition of collective labour agreements.

Article 158

The right to strike is recognized, the exercise of which the law shall regulate.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

- 14th. Protection of labour, industry, and the works of social welfare..

China, Constitution of

Article 153

The state, in order to improve the livelihood of labourers and farmers and to increase their productive technical skill, shall enact laws and carry out the policy of their protection.

Women and children engaged in labour, shall, according to their age and physical condition, be accorded special protection.

Costa Rica, Constitution of

Article 53

All manual or intellectual labour has the right to a minimum wage or salary that shall cover the material, moral, and cultural necessities of his home, and that shall be fixed periodically, with reference to the nature of his work and to the particular conditions of each region and of each activity, intellectual, industrial, commercial, stock-raising, or agricultural.

Article 54

The regular working period shall not exceed eight hours in the daytime, six hours at night, and forty-eight hours a week. Work for additional hours shall be remunerated with fifty percent more of the stipulated wage or salary. Nevertheless, these provisions shall not be applied in exceptional cases, very limited, determined by law.

Article 56

The right of employers to the lockout and of workers to the strike is recognized, except in the public services, in accordance with the specification that the law makes regarding them and in conformity with the regulations that the law itself establishes, which must disavow all acts of coercion or violence.

Article 57

Collective labour agreements and contracts that are negotiated in accordance with the law between employers and legally organized workers' unions shall have the force of law.

Article 60

Every employer must adopt conditions necessary for hygiene and the

/safety

safety of the worker in his enterprise .

Article 64

There shall be a special jurisdiction of labour for the better solution of conflicts that may arise in the relations between employers and workers. All labour tribunals shall be subordinate to the judiciary and the law shall determine their number and organization; in greater part they shall be composed of a representative of the State, who shall preside over them, and of a representative of the employers, and another of the workers.

Cuba, Constitution of the Republic of

Article 61

Every worker, manual or intellectual, in public or private enterprise of the State, Province, or municipality shall have a guaranteed minimum salary or wage, which shall be determined in keeping with the conditions of each region and the normal necessities of the worker, from material, moral, and cultural considerations, and considering him as the head of the family.

The law shall establish the manner of periodically regulating the minimum salaries or wages by means of committees with equal representation for each branch of labour, according to the standards of living, the peculiarities of each region, and each individual, commercial, or agricultural activity.

In labour performed by the complete task, it shall be obligatory that the minimum wage for a day's work be reasonably assured.

The minimum of all salaries or wages is unattachable, except in case of responsibility for payment of allowances in support of other persons in the form that the law may establish. The tools of labour belonging to workers are also unattachable.

Article 68

No wage differential may be established between married women and single women.

The law shall regulate the protection of motherhood of working women,

/extending

extending this protection to women who are employed.

A pregnant woman may not be separated from her employment within three months before childbirth, or be required to do work that may require considerable physical effort.

During the six weeks immediately preceding childbirth and the six weeks following, a woman shall enjoy obligatory vacation from work on pay at the same rate, retaining her employment and all the rights pertaining to such employment and to her labour contract. During the nursing period, two extraordinary daily rest periods of a half hour each shall be allowed her to feed her child.

Article 66

The maximum working day shall not exceed eight hours. This maximum may be reduced to six hours a day for persons more than fourteen and less than eighteen years of age.

The maximum working week shall be forty-four hours, equivalent to forty-eight hours in pay, with the exception of industries which, because of their nature, must carry on uninterrupted production within a certain period of the year, until the specific regulation in these exceptional cases is determined by law.

Labour and apprenticeship is prohibited to persons less than fourteen years of age.

Article 71.

The right of workers to the strike and the right of employers to the lockout is recognized, in conformity with the regulations that the law may establish for the exercise of both rights.

Article 72

The law shall regulate the system of collective contracts of labour, the fulfilment of which shall be obligatory for both employers and workers.

Stipulations implying renunciation, diminution, impairment, or relinquishment of any right in favour of the worker that is recognized in this Constitution or in the law, even if expressed in a labour contract or

/in any

in any other pact, shall be null and shall not obligate the contracting parties.

Article 77

No enterprise may discharge a worker except for good reason and with the other formalities that the law which determines the just causes for dismissal shall establish.

Article 78

The employer shall be responsible for compliance with the social laws, even when labour is contracted by an intermediary agency.

In all industries and kinds of labour in which technical knowledge is required, apprenticeship shall be obligatory in the form that the law may establish.

Article 83

The law shall regulate the manner in which factories and shops may be transferred for the purpose of avoiding debasement of the conditions of labour.

Article 84

Problems arising from the relations between capital and labour shall be submitted to committees of conciliation, composed of equal representation of employers and workers. The law shall stipulate the judicial officials who shall preside over the said committees, and the national tribunal before which their decisions are appealable.

Article 85

In order to assure compliance with social legislation, the State shall provide for the supervision and inspection of enterprises.

Ecuador, Constitution of

Article 185

The State shall see that justice is done in relations between employers and workers, that the dignity of the worker is respected, that he is ensured a decent existence and given fair wages to meet his personal and family requirements.....

(e) the maximum working day shall be eight hours

Night work shall be paid overtime, and may not be performed by women or

/minors

minors under eighteen years of age. For underground work, the maximum daily time shall be six hours and the total working day shall in no case exceed seven hours.

(m) in order to safeguard the health and lives of the workers, hygiene and safety measures shall be prescribed.

France, Constitution of

Paragraph 7

The right to strike is exercised within the framework of the laws that govern it.

Paragraph 8

Every worker, through his delegates, participates in collective bargaining on working conditions as well as in the management of business.

Haiti, Constitution of

Article 19

Every worker has the right to participate through his representatives in the collective settlement of working conditions. Every worker has the right to rest and leisure.

Every man has the right to defend his interests by collective action. Each individual may join the trade union pertaining to his professional activities, or may refrain from doing so.

Annual leave with pay is compulsory.

Honduras, Constitution of

Article 191

The maximum obligatory day's work for wages shall be eight hours. For each six days of work there shall be one of rest.

Article 192

Unhealthful or dangerous work is prohibited, and industrial night work for women and for minors under sixteen years of age. Said persons shall not work in commercial establishments after six o'clock in the afternoon.

Article 193

The work of minors under twelve years of age shall not be the object of contract, and that of those over that age and less than sixteen years of age

/shall

shall have a maximum days's work of six hours.

Article 195

Large industrial concerns are obliged to establish hospitals in the place of their activities to attend to the accidents or illness of their operatives.

Mexico, (United Mexican States) Constitution of

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and in a general manner, to all labour contracts without contravening the following basic principles:

1st. The maximum duration of work for one day shall be eight hours.

2nd. The maximum length of night work shall be seven hours. Unhealthy or dangerous work is forbidden for women in general and for young persons less than sixteen years of age. Industrial night work is also forbidden for these two classes; and they may not work in commercial establishments beyond ten o'clock at night.

3rd. Young persons more than twelve and less than sixteen years of age shall have six hours as a maximum days's work. The labour of children under twelve years of age is not subject to contract.

11th. When, because of extraordinary circumstances, the regular working hours during a day are increased, one hundred percent shall be added to the amount paid for the normal hours of work as compensation for the extra time worked. Overtime work shall never exceed three hours daily, nor shall it occur three times consecutively. Youths under sixteen years of age and women of any age may not be admitted to this class of labour.

Article 123

The Congress of the Union shall formulate labour laws, which shall apply to workers, day labourers, office holders, domestics, and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

/12th. In all

12. In all agricultural, industrial, or mining business or in any other kind of enterprise, employers shall be obliged to furnish workingmen comfortable and hygienic living quarters for which they may collect rent that shall not exceed one-half percent monthly of the assessed valuation of the property. They also must establish schools, hospitals, and any other services necessary to the community. If the enterprises are situated within towns and furnish employment for more than one hundred workers, they shall be responsible for the first of the above obligations.

17th. The laws shall recognize strikes and lockouts as rights of the workingmen and employers.

18th. Strikes shall be legal when they have as their purpose the attaining of equilibrium among the various factors of production, harmonizing the rights of labour with those of capital. It shall be obligatory in public services for the employees to give ten days' notice to the board of conciliation and arbitration of the date agreed upon for the suspension of work. Strikes shall be considered illegal only when the majority of the strikers engage in acts of violence against persons or property, or in case of war, when those acts are committed against establishments and utilities of the Government. Workers in governmental military factories of the Republic are not included in the provisions of this fraction, because they are assimilated into the national army.

Article 123

19th. Lockouts shall be legal only when an excess of production makes it necessary to suspend work to maintain prices at an approximate level with costs, and with the previous approval of the board of conciliation and arbitration.

20th. The differences or conflicts between capital and labour shall be subject to the decision of a board of conciliation and arbitration, formed by an equal number of representatives or workingmen and employers, with one from the government.

/21st. Should

21st. Should the employer refuse to submit his differences to arbitration or to accept the decision rendered by the board, the labour contract shall be considered terminated and he shall be obliged to indemnify the workers in the amount of three months' wages and shall incur the liability resulting from the conflict; should this refusal be on the part of the workers, the labour contract shall be considered terminated.

22nd. The employer who dismisses a worker without justifiable cause or because he has entered an association or union, or for having taken part in a legal strike, shall be obliged, at the choice of the worker, either to complete the contract or to indemnify him in the amount of three months' wages. He shall also be bound by this obligation when the worker retires from work because of lack of honesty on the part of the employer or because he received bad treatment from him, whether it be to his person, or that of his wife, parents, children, or brothers. The employer may not excuse himself from this responsibility when the bad treatment is due to his subordinates or servants who may work with his consent or permission.

Article 123

23rd. Credits in favour of workers for salary or wages earned in the last year, and for indemnifications, shall have preference over all other obligations in case of cession of property or bankruptcy.

24th. The worker alone shall be responsible for debts contracted by himself payable to his employer, his associates, members of his household, or dependents, and in no case and for purpose may payment be exacted from members of the worker's family, nor are said debts payable for an amount exceeding the salary of the employee for one month.

25th. The services of employment placement for workers shall be gratuitous, whether such services be performed by municipal offices, labour exchanges, or any other official or private institution.

welfare are under the protection of the law.

Article 100

The law recognizes the following rights of workers and employees:

4th. A minimum wage based on the cost of living and the conditions and the needs of the different regions and capable of assuring the worker a state of well-being compatible with human dignity.

5th. The payment of all wages within the period fixed in the contract, in national legal money, on a working day, and at the place where the worker is engaged in that work, with the prohibition of payment of merchandise, vouchers, counters, or any other substitute for money.

6th. The payment of daily wages within periods no greater than a fortnight.

Mexico (United Mexican States) Constitution of

Article 100

11th. Prohibition of attachment of minimum wages.

8th. Regulation of the work of women and children.

Article 102

Tribunals of conciliation will be established for the solution in equitable form of the differences that may arise between employers and workers.

Panama, Constitution of the Republic of

Article 63

Labour is a right and a duty of the individual. The State will employ the resources that are within its ability to provide employment to all who may lack it and to assure to every worker the economic conditions necessary to a decent existence.

Article 64

A minimum salary or wage is guaranteed to every worker in the service of the State or of public or private enterprises or of private individuals.

Article 65

The law will establish the manner of periodically adjusting the minimum salary or wage for the purpose of improving the standard of living of the worker and with attention to the peculiarities of each region and of each industrial, commercial, or agricultural activity.

It is obligatory that in work by contract or lump payment the minimum

/wage

wage for a working day remain assured.

The minimum of every wage or salary is unattachable, except for obligations for food in the form that the law establishes. Working tools of labourers are also unattachable

Article 66

An equal salary or wage always belongs to equal work, under identical conditions whoever may be the persons who perform it, without distinction of sex or nationality.

Article 68

The right of strike and of lockout is recognized. The law will regulate its exercise and may subject it to special restrictions in the public services that it determines.

Article 69

The maximum working day is of eight hours and the working week up to forty-eight hours. Maximum night work will not be greater than seven hours. Extra hours will be remunerated with overtime.

The maximum working day may be reduced to six hours daily for those more than fourteen and less than eighteen years of age. Work by those less than fourteen and night work by those less than sixteen years of age is prohibited, save for the exceptions that the law establishes. The employment of minors up to twelve years of age in the status of domestic servants and work by minors and by women in unhealthful occupations is similarly prohibited.

Article 70

Stipulations that imply renunciation, diminution, corruption, or relinquishment of any right recognized in favour of the worker are null and, therefore, do not oblige the contracting parties, even though they may be expressed in a labour contract or any other pact. The law will regulate everything relative to the labour contract.

Article 75

A labour jurisdiction is established, to which shall be submitted all

/controversies

controversies that originate in the relations between capital and labour. The law will establish the standards belonging to said jurisdiction and the entities that put it into practice.

Article 76

Relations between capital and labour are matters for the regular law, arranging them on a basis of social justice in a manner that, without injuring any of the parties, the conditions necessary for a normal life are guaranteed to the worker, and to capital a compensation equitable to its investment.

Paraguay, Constitution of

Article 14

In order to assure to every worker a standard of living compatible with human dignity, the system of contracts of labour and social insurance, and the conditions of safety and hygiene of buildings, shall be under the watchful and critical supervision of the State.

The exploitation of man by man is outlawed...

Peru, Constitution of the Republic of

Article 43

The State shall legislate upon the collective bargaining of labour.

Article 45

The State shall favour a system of participation by employees and workers in the benefits of enterprises, and shall legislate upon other aspects of the relations between capital and labour, and upon the protection of employees and workers in general.

Article 46

The State shall legislate upon the general organization and the safeguards of industrial labour and upon the guarantees for life, health, and hygiene as related to it. The maximum conditions of labour, the compensation for services and for accidents, as well as for minimum salaries in relation to age, sex, the nature of the work, and the conditions and necessities of the various regions of the country, shall be regulated by law.

Philippines, Constitution of the

Article XIV
Section 6

The State shall afford protection to labour, especially to working
/women

women and minors, and shall regulate the relations between landowner and tenant, and between labour and capital in industry and in agriculture.

The State may provide for compulsory arbitration.

Poland, Constitution of

Article 102

Labour is the main basis of the wealth of the Republic, and should remain under the special protection of the state.

Every citizen has the right to state protection for his labour.....

Article 103

Children under fifteen years of age may not be wage-earners; neither may women be employed at night, or young labourers be employed in industries detrimental to their health.

Uruguay, Constitution of

Article 53

The law shall recognize the independence of the moral and civic conscience of those who may be in a relation of labour or service as working men or employees and shall provide for their just remuneration, the limitation of their working hours, their weekly rest, and their physical and moral hygiene.

The work of women and of minors under eighteen years of age shall be especially regulated and limited.

Article 56

The law shall promote the organization of trade unions, granting them franchises and enacting standards for the recognition of their juridical personality.

It shall promote, furthermore, the creation of tribunals of conciliation and arbitration.

It is here declared that the strike is a right of trade unions. Its methods and practice shall be regulated on this basis.

Yugoslavia, Constitution of

Article 20

By economic and other measures the State assists the people to associate and organize themselves for their protection against economic exploitation.

The State protects persons who are engaged as workers or employees

/especially

especially by assuring them the right of association, by limiting the working day, by ensuring the right to paid annual holidays, by controlling working conditions, by devoting attention to housing conditions and social insurance.

Minors in employment enjoy the special protection of the State.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL
ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 3

The right to organize and work for a constantly more equitable distribution of the national income and wealth and the right to strive for the enhancement of the moral and material well-being of the people - for better health and security against the ravages of unemployment, accidents, sickness and old age - are to be considered inalienable.

Article 4

Raise labour standards throughout the world. There is no more effective way of stimulating the revival of reproduction and the international expansion of markets than by increasing the purchasing power of the great mass of people in every country.

ARTICLE 39

"Every one has the right to such equitable share of
the national income as the need for his work and the
increment it makes to the common welfare may justify."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article VIII (paragraph 2)

The State has the duty to co-operate in assisting the individual to attain in minimum standard of private ownership of property based upon the essential material needs of a decent life, looking to the maintenance of the dignity of the human person and the sanctity of home life.

Cuba

Article 9

The right to work under conditions fitting to his status as a human being and to receive, in return, a remuneration in proportion to the value of his contribution to the community.

Panama

No provision.

B. Proposals

India

No provision;

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of

Article 10

The economic system must correspond essentially to the principles of social justice that tend to secure for all inhabitants a standard of living proper for a human being.

Brazil, Constitution of

Article 157

/4th.

4th. Obligatory and direct participation of the worker in the profits of concerns, under the terms and in the form determined by law.

Article 145

The economic order shall be organized in conformity with principles of social justice, conciliating the liberty of initiative with the value of human labour....

Byelorussia, Constitution of

Article 93

See Union of Soviet Socialist Republics Constitution, Articles 118 and 12.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

14th...The State shall incline toward the suitable division of estates and the creation of family holdings....

Guatemala, Constitution of

Article 57

...."The fundamental principles of the organization of labour.... are:

...15th. The conditions of safety and hygiene in which work shall be undertaken. Regulations and provisions for hygiene and health shall be strictly observed in working establishments. Employers are obliged to adopt proper measures to protect their workers against accidents in the use of machinery, instruments, and materials of labour."

Mexico, (United Mexican States) Constitution of the

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

6th. The minimum compensation that should be received by a working man shall be what is considered sufficient, in view of the conditions of each region, to satisfy the normal needs of his life, his education, and his honest pleasures, considering him as the head of the family. In every agricultural, commercial, manufacturing or mining enterprise, the workers shall have the right to a participation in the profits, that shall

/be regulated

be regulated as indicated in Fraction IX (i.e., 9th Clause, below)....

8th. The minimum wage shall be exempt from attachment, compensation, or discount.

9th. The establishment of a minimum wage and participation in profits, referred to in Fraction VI (i.e., 6th Clause, above) shall be made by special committees, that shall be formed in each municipality, subordinate to the central board of conciliation and arbitration that shall be established in each state. In the absence of these committees, the minimum wage shall be fixed by the respective central board of conciliation and arbitration.

Paraguay, Constitution of

Article 15

The State shall regulate the national economic life....The State may, with indemnification, nationalize the public services, and may monopolize the production, circulation, and sale of articles of primary necessity.

Ukraine Soviet Socialist Republic, Constitution of the

Article 117

See Union of Soviet Socialist Republic Constitution, Articles 118 and 12

Union of Soviet Socialist Republics, Constitution of the

Article 118

"Citizens of the Union of Soviet Socialist Republics have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality."

"The right to work is assured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment."

Article 12

"In the Union of Soviet Socialist Republics work is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle:

'He who does not work, neither shall he eat.'

The principle applied in the Union of Soviet Socialist Republics is that of socialism:

'From each according to his ability, to each according to his work!'

/Yugoslavia,

Yugoslavia, Constitution of

Article 32

"It is the duty of every citizen to work according to his ability; he who does not contribute to the community cannot receive from it."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS BY NON-GOVERNMENTAL
ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 3

...The right to strive for the enhancement of the moral and material well-being of the people - for better health and security against the ravages of unemployment, accidents, sickness and old age - are to be considered inalienable.

ARTICLE 40

"Every one has the right to such public assistance
as may be necessary to make it possible for him to
support his family."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Lebeau (Belgium):

".....the right to economic security and a sufficient security
to insure independence and the stability of family life. Therefore,
this does not overlap with the elements of social security which
we have here."

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article X (paragraph 4)

It is the duty of the state to assist parents in the maintenance
of adequate standards of child welfare within the family circle, and
to promote as far as possible the ownership of individual homes as
a means of fostering better family relations.

Cuba

Article 10

The right to receive adequate maintenance in the event of
unemployment, sickness or chronic illness, to meet his own and
and his family's material and spiritual needs.

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of

Article 134

Defense of the physical, mental, and moral health of infancy is the
prime duty of the State. The State defends the rights of the child to
/a home,

a home, to education, and to ample assistance when it is abandoned, sick, or in trouble. The State shall commit the fulfillment of the provisions of this article to adequate technical organizations.

Article 131

Matrimony, the family, and maternity are under the protection of the law.

Article 133

The laws shall organize the family patrimony so that it cannot be seized.

Brazil, Constitution of

Article 164

Assistance to motherhood, to infancy, and to adolescence is obligatory in all of the national territory. The law shall provide assistance to families with numerous offspring.

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

14th....and economic conditions of living in a form to give to each inhabitant a minimum of well-being adequate for the satisfaction of his personal necessities and those of his family.....

China, Constitution of

Article 156

The state, in order to secure the foundation of national existence and development, shall protect motherhood and carry out the policy of promoting the welfare of women and children.

Colombia, Constitution of

Article 19

Public relief is a function of the State. Those lacking means of subsistence and without the right of demanding it from other persons, and those physically incapacitated for work, should be aided.

The law shall determine the form of administering relief and the cases in which it should be given directly by the State.

Costa Rica, Constitution of

Article 51

The State will work for the greatest well-being of Costa Ricans, protecting in a special way the family, the basis of the Nation;

/assuring

assuring aid to mothers, children, the aged, and the destitute ill, and organizing and stimulating production and the most adequate distribution of wealth.

Cuba, Constitution of

Article 45

Budget, insurance, and social assistance shall be employed in accordance with standards of protection for the family, established in this Constitution.

Czechoslovakia, Constitution of

Article 126

Wedlock, family and motherhood shall be under the special protection of the law.

Denmark, Constitution of

Article 82

Any person who is unable to maintain himself or his family, and whose maintenance is not incumbent on any other person is entitled to the assistance of the public authorities, subject, however, to his observing the obligations which the law prescribes in this connection.

Ecuador, Constitution of

Article 185

(c) the state shall.....establish family allowances.....

Article 162

The State shall provide maternity assistance and protect mother and child, without regard to antecedents.

The State shall make adequate arrangements for the protection and development of children under fourteen years of age who lack family and economic protection.

Article 185

(j) working mothers shall be subject to particular care. Women in pregnancy shall not be obliged to work during the period prescribed by law, before and after birth, but shall be entitled to full remuneration. In addition, nursing mothers shall be allowed the necessary time off work for feeding their children.

(k) work shall be prohibited for minors under fourteen, except as prescribed by law, and regulations shall be established for the employment of minors under eighteen...

/ France,

France, Constitution of

Paragraph 10.

The nation assures to the individual and to the family the conditions necessary to their development.

Guatemala, Constitution of

Article 57

.....Fundamental principles of the organization of labour...are:

...2nd. The periodic fixation of the minimum wage that workers of all classes must receive, paying attention to... their obligations as heads of families...

Article 72

The family, maternity, and matrimony have the protection of the State...

Article 78

Fathers of poor families, with six or more minor children, shall receive special protection from the State. In circumstances of equal competence, they shall enjoy preference in the discharge of public positions.

Article 57

...The law shall regulate the protection of maternity among working women, from whom no work requiring considerable physical exertion may be demanded during the three months previous to childbirth. Working mothers shall enjoy a remunerated obligatory rest for one month before and forty-five days after childbirth; in the time of lactation they have the right to two daily periods of special rest, of one-half hour each for feeding the child.

Honduras, Constitution of

Article 197

The family, as the basis of society, shall be under the protection of the State.

Consequently, the State shall provide for the organization of its patrimony, for effective aid to maternity, and protection to minors.

/Mexico,

Mexico, (United Mexican States), Constitution of

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and in a general manner, to all labour contracts without contravening the following basic principles:

5th. During the three months previous to parturition, women shall not perform physical labour that requires excessive material effort. In the month following childbirth they shall necessarily enjoy the benefit of rest and shall receive their entire salary and retain their employment and the rights that they may have acquired through the labour contract. In the period of lactation, they shall have two special periods of rest each day, of one-half hour each, to nurse their infants.

Netherlands, Constitution of the

Article 196

Poor relief shall be an object of constant solicitude on the part of the Government, and shall be regulated by law.

Nicaragua, Constitution of

Article 77

Matrimony, the family, and maternity are under the protection and defense of the State.

Article 79

The State and the municipalities will safeguard the health and social betterment of the family.

Article 81

The education of the offspring is the first duty and natural right of parents with respect to their children, in order that the latter may reach the best physical, intellectual, and social development.

Parents without economic resources to assist them have the right to apply for aid to the State for the education of their offspring.

Article 82

The State will procure the grant of special subsidies for families with numerous children.

/Panama,

Panama, Constitution of

Article 55

Matrimony is the legal foundation of the family, resting on the equality of rights of the spouses, and it may be dissolved in accordance with the law.

Article 54

The State protects matrimony, maternity, and the family and guarantees the rights of the child up to his adolescence. The law will determine what relates to the civil status.

Article 60

The State will watch over the social and economic development of the family and will organize the family patrimony, determining the nature and amount of the property that must constitute it, on the basis that it is inalienable and unattachable.

Article 61

The State will provide breeding and education to minors whose parents or guardians are economically incapacitated to do it or who lack relatives obliged to provide it for them.

Paraguay, Constitution of

Article 11

Care for the health of the population, and social assistance, as well as the moral, spiritual, and physical education of youth, are fundamental duties of the State.

Peru, Constitution of

Article 51

Marriage, the family, and maternity are under the protection of the law.

Poland, Constitution of

Article 103 (paragraph 3)

Special statutes determine the protection of motherhood.

Uruguay, Constitution of

Article 39

The State shall safeguard the social developments of the family.

Article 40

...Those who may have numerous offspring in their charge have the right to compensating assistance provided they need it for them.

/...Concerning

...Concerning maternity, whatever may be the condition or class of a woman, she has the right to the protection of society and to assistance in case of need.

Article 48

Family, welfare, its foundation, preservation, enjoyment, and transmission, shall be the purpose of special protective legislation.

Yugoslavia, Constitution of

Article 26 (paragraph 1)

Matrimony and the family are under the protection of the State. The State regulates by law the legal relations of marriage and the family.

Article 24 (paragraph 3)

The State especially protects the interests of mothers and children by the establishment of maternity hospitals, children's homes and day-nurseries and by the right of mothers to a leave with pay before and after child-birth.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

ARTICLE 41

"Every one has the right to social security. The State shall maintain effective arrangements for the prevention of unemployment and for insurance against the risks of unemployment, accident, disability, sickness, old age and other involuntary or undeserved loss of livelihood."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XVI

Every person has the right to social security.

The state has the duty to assist all persons to attain social security. To this end the state must promote measures of public health and safety and must establish systems of social insurance and agencies of social co-operation in accordance with which all persons may be assured an adequate standard of living and may be protected against the contingencies of unemployment, accident, disability and ill-health and the eventuality of old age.

Every person has the duty to co-operate with the state according to his powers in the maintenance and administration of the measures taken to promote his own social security.

Cuba

Article 10

The right to receive adequate maintenance in the event of unemployment, sickness or chronic illness, to meet his own and his family's material and spiritual needs.

Panama (American Law Institute)

Article 15

Every one has the right to social security.

The state has a duty to maintain or insure that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accident, and for the provision of medical care and of compensation for loss of livelihood.

B. Proposals

India

I. c/

Every human being has the right of security including the right to work, the right to education.....

/United States

United States

2. c/

Among the categories of rights which the United States suggests should be considered are the following:

.....

c/ social rights such as the right to employment and social security.....

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of

Article 130

Social aid is a function of the State. The law shall delimit the conditions of this assistance. Sanitation is of a coercive and obligatory character.

Article 122

The law shall regulate obligatory insurance for sickness, accidents, involuntary unemployment, physical disability, old age, maternity, and death, eviction from lodgings and indemnification to working men and day labourers, the work of women and minors, the maximum number of working hours, minimum wage, rest on Sundays and holidays, annual and perpetual vacations with pay, medical and hygienic care, and other social benefits for the protection of workers.

Brazil, Constitution of

Article 157

16th. Social security, by means of contribution from the Union, from the employer, and from the employee, for the benefit of motherhood, and against the consequences of old age, invalidity, illness and death.

15th. Assistance to the unemployed.

12th. Security of employment, in concerns or in rural developments, and indemnification of the dismissed worker, in the cases and under the conditions that the law may establish.

10th. The right of an expectant mother, to rest before and after childbirth, with no prejudice to her job or wage.

China, Constitution of

Article 152

The State shall provide opportunity of employment to people who are capable of work.

/Article 155

Article 155

The State, in order to promote social welfare, shall enforce a social insurance system. To the aged, the infirm and crippled among the people who are unable to earn a living, and to victims of unusual calamities, the State shall extend appropriate assistance and relief.

Costa Rica, Constitution of

Article 63

Social insurance for the benefit of manual and intellectual workers is established, regulated by a system of compulsory triple contributions by the State by the employer, and by the worker, for the purpose of protecting the latter against the hazards of illness, invalidity, maternity, old age, death, and other contingencies determined by law ...

Cuba, Constitution of the Republic of

Article 65

Social insurance benefits are established as irrenounceable and imprescriptible of workers, with the equitable co-operation of the State, the employers, and the workers themselves, for the purpose of protecting the latter in an effective manner against illness, old age, unemployment, and the other exigencies of labour, in the form that the law may determine. The rights of old-age pensions and death benefits are likewise established.

The administration and governing of the institutions to which the first paragraph of this article refers shall be the duty of organizations elected with equal representation by employers and workers, with the participation of a representative of the State, in the form determined by law, except in the case of that created by the State for the bank of social insurance.

Insurance covering accidents of work and for occupational diseases, at the exclusive expense of the employer and under the control of the State, is declared equally obligatory.

Social insurance funds or reserves may not be transferred, and may not be used for any purposes other than those that determined their creation.

Article 80

Charitable institutions of the State, Province, and municipality shall offer services of a gratuitous character only to the poor.

Dominican Republic, Constitution of

Article 6

2. Freedom of labour, prohibiting, consequently, the establishment of monopolies for the benefit of private persons. The law may, as the general interest may require, establish the maximum working day, days of rest and vacation, minimum wages and salaries and their methods of payment, social insurance, preponderant participation of nationals in all labour, and, in general, all the measures of protection and assistance of the State that are considered necessary in support of the workers.

Ecuador, Constitution of

Article 174

It shall also be the duty of the State:

(a) to provide work for the unemployed ...

Article 188

With respect to Ecuadorians, the following special guarantees shall be established:

(3) the right of State assistance to invalids lacking means of subsistence, if they are unable to procure them by working and there is no person legally bound and able to provide for them ...

France, Constitution of

Paragraph 11

It guarantees to all, and notably to the child, to the mother and to the aged workers protection, for health, material security, rest and leisure.

Paragraph 12

Every human being who, by reason of his age, physical, or mental condition, or economical situation, finds himself incapable of work has the right to obtain from the community the means of decent living.

Paragraph 13

The nation proclaims the solidarity and equality of all French citizens with regard to the burden resulting from national calamity.

/Guatemala, Constitution of

Guatemala, Constitution of

Article 22

It is the function of the State to conserve and improve the general conditions of the Nation, to procure the well-being of its inhabitants and to increase wealth by means of the creation and development of institutions of credit and social welfare.

Article 57

The fundamental principles of the organization of labour are:

14th. The means of ... social welfare necessary for workers...

Article 63

Obligatory social insurance is established ...

It should include at the least, insurance against invalidity, old age, death, illness, and industrial accidents ...

Article 57

The State will employ the resources that are within its ability to provide employment to all who may lack it.

Honduras, Constitution of

Article 191

A law on accidents during work shall establish the responsibilities of the employer and the conditions under which they shall become effective.

Iceland, Constitution of

Article 70

Anyone who is unable to support himself or his family, and whose maintenance is not the obligation of any other person, is entitled to receive relief from public funds, but shall in this case be subject to such obligations as the law prescribes.

United Mexican States, Constitution of the

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

14. Employers shall be responsible for labour accidents and for occupational diseases of workers, contracted because of, or in the exercise of,

/the profession

the profession of work that they perform; therefore, the employers shall pay the corresponding indemnification whether death or only temporary or permanent incapacity to work has resulted, in accordance with what the laws determine. This responsibility shall exist even in the case in which the employer contracts for the work through an intermediary.

15. The employer shall be obliged to observe, in the installation of his establishments, the legal regulations on hygiene and health, and to adopt adequate measures for the prevention of accidents in the use of machines, instruments, and the materials of labour, as well as to organize the same in such a manner as to insure the greatest possible guarantee for the health and safety of the workers compatible with the nature of the work, under the penalties established by law in this respect.

29. The passage of the law of social security shall be considered of public interest and it shall include security against disability, of life, from involuntary stoppage of work, against sickness and accidents, and others with analogous purposes.

Nicaragua, Constitution of

Article 80

Maternity has the right of assistance from the State.

Article 100

The law recognizes the following rights of workers and employees:

7. Indemnification of accidents of labour in the cases and form determined by law.

9. Medical and hygienic assistance to the worker and to the pregnant woman, assuring the latter, without loss of income, a period of rest before and after childbirth.

Article 104

The State will procure the creation of a national institution of social insurance.

Article 105

The law will regulate the form of establishing an insurance fund in favour of wage earners, through reasonable agreement of the beneficiary and the

/employer

employer, to cover the risks of sickness, invalidity, old age, and unemployment.

Panama, Constitution of the Republic of

Article 62

Abandoned physically or mentally deficient, wayward, or delinquent minors are subject to special legislation for supervision, rehabilitation and protection.

Article 71

Maternity in the working class is protected. The woman in a state of pregnancy may not be separated from her employment for this reason. During the six weeks that precede childbirth and the eight that follow it she shall enjoy an obligatory rest, remunerated in the same manner as her work, and she will retain her employment and all the rights belonging to her contract.

Article 93

Every individual has the right to the security of his economic means of subsistence in case of incapacity for working or obtaining remunerated work. Services of social insurance will be given and administered by autonomous entities and will cover cases of illness, maternity, family subsidies, old age, widowhood, orphanage, forced suspension of work, labour accidents, and occupational illnesses, and all other contingencies that may affect the capacity to work and consume. The law will provide for the establishment of such services in the measure that social necessities may require it.

The State will create institutions of social assistance and welfare, The economic and moral rehabilitation of dependent sectors, and attention to the mentally incapacitated, the chronic infirm, and invalids lacking economic resources are fundamental tasks of these.

The State will promote, furthermore, the establishment of cheap dwellings for workers.

Paraguay, Constitution of

Article 14

... In order to assure to every worker a standard of living compatible with human dignity, the system of contracts, of labour and social insurance, and the conditions of safety and hygiene of buildings, shall be under the watchful

/and critical

and critical supervision of the State.

Peru, Constitution of the Republic of

Article 48

A system providing for the economic consequences of unemployment, age, illness, disability, and death shall be established by law. The law shall encourage institutions of social solidarity, establishments for savings and insurance, and co-operatives.

Poland, Constitution of

Article 102

Paragraph 2. Every citizen has the right to State protection for his labour, and in case of lack of work, illness, accident, or disability, to the benefits of social insurance which will be determined by a special statute.

Union of Soviet Socialist Republics, Constitution of

Article 118

... The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

Article 120

Citizens of the Union of Soviet Socialist Republics have the right to maintenance in old age and also in case of sickness or loss of capacity to work.

This right is ensured by the extensive development of social insurance of workers and employees at state expense, free medical service for the working people and the provision of a wide network of health resorts for the use of the working people.

Uruguay, Constitution of

Article 45

The State shall care for indigents or those lacking sufficient resources who, because of chronic physical or mental inferiority, are incapacitated for work.

Article 54

The law shall provide an impartial and equitable distribution of work.

/Article 58

Article 58

General retirement funds and social security measures shall be organized in such form as to guarantee to all workingmen, employers, employees, and day labourers adequate retirement pensions and subsidies for cases of accident, sickness, incapacity, enforced unemployment, etc.; and in case of death, a corresponding insurance payment to their families.

An old-age pension is the right of one who has reached the limit of his productive age after long residence in the country, if he lacks resources to provide for his vital needs.

Yugoslavia, Constitution of

Article 20

Paragraph 2. The State protects persons who are engaged as workers or employees especially by assuring them the right of association, by limiting the working day, by ensuring the right to paid annual holidays, by controlling working conditions, by devoting attention to housing conditions and social insurance.

Article 35

The State ensures disabled ex-service men a decent living and free occupational training.

The children of fallen soldiers and of war-victims are under the special care of the State.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 3

The conditions of work under modern large-scale industry make it especially necessary for the working people to have an effective system of social legislation which will provide minimum wages; maximum working hours; guarantee against the employment of child labour; adequate medical care; accident, unemployment and old-age insurance and other such vital measures making for effective social security of the population.

ARTICLE 42

"Every one has the right to good food and housing
and to live in surroundings that are pleasant and healthy."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR
PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

No provision

Cuba

Articles 11, 12, 13

The right to adequate food.

The right to hygienic living conditions and to clothing suitable
for the climate in which he lives.

The right to live in surroundings free from avoidable diseases.

Panama (American Law Institute)

Article 14

Every one has the right to adequate food and housing. The state
has a duty to take such measures as may be necessary to insure that
all its residents have an opportunity to obtain these essentials.

B. Proposals

India

No provision.

United States of America

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Bolivia, Constitution of

Article 124

The State shall enact measures for protecting the health and life of
working men, employees, and farm labourers; it shall see that these have
healthy lodgings and it shall promote the construction of cheap houses; it
shall also provide technical education for manual labourers...

/Chile

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

14th. Protection..., especially as referring to sanitary dwellings...

Costa Rica, Constitution of

Article 58

The State shall promote the creation of co-operatives as a means of facilitating better living conditions for workers.

Article 59

The State shall assist in the construction of cheap houses for urban workers and shall create a family patrimony for the rural worker.

Cuba, Constitution of the Republic of

Article 79

The State shall support the creation of low-cost dwellings for workers.

The law shall determine the enterprises that, by employing workers outside of population centres, are obliged to provide adequate housing for workers, as well as schools, infirmaries, and other services and advantages in behalf of the physical and moral well-being of the worker and his family.

The conditions which shops, factories, and places of work of all kinds must maintain shall likewise be regulated by law.

Guatemala, Constitution of

Article 67

"Construction of cheap housing and districts for workers shall be developed..."

Mexico, (United Mexican States, Constitution of the)

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and, in a general manner, to all labour contracts without contravening the following basic principles:

13th. Furthermore, in these same centres of work, when the population exceeds 200,000 inhabitants, a tract of land of not less than 5,000 square metres must be reserved for the establishment of public markets, the erection of buildings destined for municipal services and centres of recreation. Establishments for the sale of intoxicating liquors as well as houses for

/playing

playing games of chance are prohibited in all work centres.

30th. Furthermore, co-operative societies established for the construction of inexpensive and hygienic houses intended to be acquired on installments as the property of workingmen, shall be considered of social utility.

Nicaragua, Constitution of

Article 103

The law will foster hygienic and economical housing for the worker. It will also favour the construction of dwellings and districts that combine those conditions.

Paraguay, Constitution of

Article 14

...In order to assure to every worker a standard of living compatible with human dignity, the system of contracts of labour and social insurance, and the conditions of safety and hygiene of buildings, shall be under the watchful and critical supervision of the State.

Uruguay, Constitution of

Article 44

The law shall provide for hygienic and economic lodging for working men, sponsoring the construction of living quarters and districts that possess these conditions.

Article 55

Every undertaking, the nature of which requires the residence of the personnel in the respective establishment, shall be obliged to provide adequate food and lodging under conditions established by law.

Yugoslavia, Constitution of

Article 20 (paragraph 2)

"The State protects persons who are engaged as workers or employees especially by assuring them the right of association, by limiting the working day, by ensuring the right to be paid annual holidays, by controlling working conditions, by devoting attention to housing conditions and social insurance."

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision.

/ARTICLE 43

ARTICLE 43

"Every one has the right to a fair share of
rest and leisure."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

-None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED
TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile

No provision.

Cuba

No provision.

Panama

No provision.

B. Proposals

India

No provision.

United States

No provision.

SECTION III. NATIONAL CONSTITUTIONS

Brazil, Constitution of

Article 157

6th. Weekly rest with pay, preferably on Sundays, and within the
limits of the technical requirements of the concerns, on the civil and
religious holidays, in accordance with the local tradition.

7th. Annual leave with pay.

Byelorussia, Constitution of

Article 94

See U.S.S.R., Constitution Article 119

Costa Rica, Constitution of

Article 54

(2) All manual or intellectual workers shall have the right to paid
annual vacations, the extent and time of which shall be regulated by law
but the duration of which may not be fixed in a proportion less than two
weeks for each fifty weeks of continuous service.

/Cuba, Constitution of the Republic of

Cuba, Constitution of the Republic of

Article 67

The right of all manual and intellectual workers to one month of vacation on pay for every eleven months of work in every natural year is established. Those who, on account of the type of work or other circumstances, may not have worked the eleven months, shall have the right to vacation on pay for a period proportional to the time worked.

When workers stop work on account of a national holiday or mourning, employers must guarantee them the corresponding wages for this time.

There shall be only four days of national holiday and mourning on which the closing of industrial or commercial establishments or those of public entertainment is obligatory. The remaining official holiday or mourning days shall be celebrated without suspension of the economic activities of the Nation.

Ecuador, Constitution of

Article 185

"(f) every worker shall enjoy a weekly rest of forty-two continuous hours, and also annual holidays. Wages shall be paid for these vacations, as well as for weekly days of rest and legal holidays...."

Guatemala, Constitution of

Article 57

"....Fundamental principles of the organization of labour ... are:

....2nd. ..the worker or employee has the right to one day of rest, remunerated, for each six of work. Days of vacation recognized by law also be remunerated;

....5th. ..Paid annual vacations for workers after one year or more of uninterrupted service..."

Honduras, Constitution of

Article 191

The maximum obligatory day's work for wages shall be eight hours. For each six days of work there shall be one of rest.

Mexico (United Mexican States, Constitution of the)

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics and artisans, and,

/in a general

in a general manner, to all labour contracts without contravening the following basic principles:

4th. The employee shall enjoy at least one day of rest for each six days of labour.

Nicaragua, Constitution of

Article 100

The law recognizes the following rights of workers and employees:

3rd. A maximum limit to the working day determined and regulated by law, in accordance with the nature of the same.

10th. Overtime for night work except in cases it is effected periodically by shifts.

2nd. An obligatory weekly day of rest...

12th. A month of vacation with pay after a year of continuous work.

Panama, Constitution of the Republic of

Article 69

In addition to a weekly rest, every worker will have the right to remunerated vacations.

Ukraine Soviet Socialist Republic, Constitution of the

Article 118

See U.S.S.R. Constitution Article 119.

Union of Soviet Socialist Republics, Constitution of the

Article 119

"Citizens of the U.S.S.R. have the right to rest and leisure.

The right to rest and leisure is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, the institution of annual vacations with full pay for workers and employees and the provision of a wide network of sanatoriums, rest homes and clubs for the accommodation of the working people."

Yugoslavia, Constitution of

Article 20
(Paragraph 2)

"The State protects persons who are engaged as workers or employees especially by assuring them the right of association, by limiting the working day, by ensuring the right to paid annual holidays, by controlling working conditions, by devoting attention to housing conditions and social insurance.."

/SECTION IV.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A.

American Federation of Labor

No provision.

ARTICLE 44

"Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science."

SECTION I - OBSERVATIONS MADE BY MEMBERS OF THE
HUMAN RIGHTS COMMISSION

- None -

SECTION II - DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee)

Article XV

Every person has the right to share in the benefits accruing from the discoveries and inventions of science, under conditions which permit a fair return to the industry and skill of those responsible for the discovery of invention.

The state has the duty to encourage the development of the arts and sciences, but it must see to it that the laws for the protection of trademarks, patents and copyrights are not used for the establishment of monopolies which might prevent all persons from sharing in the benefits of science. It is the duty of the state to protect the citizen against the use of scientific discoveries in a manner to create fear and unrest among the people.

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

II. 2.

Among the categories of rights which, the United States suggests should be considered is the right "to enjoy minimum standards of economic, social and cultural well-being".

/SECTION III - NATIONAL

SECTION III. - NATIONAL CONSTITUTIONS

Bolivia, Constitution of 28 October 1938

Article 163

Artistic, historic, and archeological wealth and that proceeding from religious worship is the cultural treasure of the Nation; it shall be under the protection of the State and may not be exported. Buildings and places declared to have historic or artistic value shall be preserved by the State.

Article 164

The State shall promote the culture of the people.

Brazil, Constitution of 18 September 1946

Article 173

The sciences, letters, and arts are free.

Article 174

Support of culture is a duty of the State.

Sole Paragraph. The law shall promote the creation of research institutes, particularly in connection with establishments of higher education.

Saudi-Arabia, Constitution of 29 August 1926

Article 23

Public education comprises the diffusion of science, education and the arts, and the opening of libraries, schools and religious institutes, great care and attention being taken to act in accordance with the foundations of religion in all the Kingdom of the Hejaz.

Article 24

The Directorate of Public Education should be attached to the office of the Agent-General.

Uruguay, Constitution of 24 March 1934 (amended 1942)

Article 62

Official free primary, intermediate, superior, industrial, and artistic instruction, and physical education is declared a social need; also the creation of scholarships for cultural, scientific, and industrial improvement and specialization, as well as the establishment of popular libraries.

/All institutions

All institutions of learning shall provide especially for the formation of the moral and civic character of the students.

Yugoslavia, Constitution of

Article 37 (paragraph 2)

"The State assists science and art with a view to developing the people's culture and prosperity."

SECTION IV - DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A.

American Federation of Labor

No provision

ARTICLE 45

"No one shall suffer any discrimination whatsoever because of race, sex, language, religion, or political creed. There shall be full equality before the law in the enjoyment of the rights enunciated in this Bill of Rights."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mr. Tepliakov (U.S.S.R.):

".....the equality of rights of human beings is understandable, first of all, as citizens of the respective countries of the United Nations this equality of rights must be recognized and proclaimed in the Bill....."*

Mr. Cassin (France)

He shares this opinion and asks for a brief affirmation of the principle of equality of men "not only in their respective states, but in the eyes of international law and in the eyes of the law of the United Nations."**

Mr. del Rio (Chile):

".....I am prepared to vote in favour of including the rights of equality before the law with reference to certain points mentioned in the paper .4/W, provided we simplify them...."***

Mr. Hodgson (Australia):

He declares that he is of the same opinion as the Chilean representative.****

Dr. Chang (China):

He mentions the international aspect of the principle of equality.*****

* H.R. Com. - 1st session 13th meeting - p. 42.
** H.R. Com. - 1st session 13th meeting - p. 51.
*** H.R. Com. - 1st session 13th meeting - p. 52.
**** H.R. Com. - 1st session 13th meeting - p. 52
***** H.R. Com. - 1st session 13th meeting - p. 56-60.

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS
SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XVIII (paragraph 1 - 4)

All persons shall be equal before the law in respect to the enjoyment of their fundamental rights. There shall be no privileged classes of any kind whatsoever.

All restrictions imposed upon fundamental rights must be such only as are required by the maintenance of public order; and they must be general in character and applicable to all persons within the same class.

Cuba Article 5

The right to equality before the law without distinction as to race, religion, colour, class or sex.

Panama (American Law Institute)

Every one has the right to protection against arbitrary discrimination in the provisions and application of the law because of race, religion, sex, or any other reason.

B. Proposals

India I. (b)

Every human being has the right of equality, without distinction of race, sex, language, religion, nationality or political belief.

United States

No provision

SECTION III. NATIONAL CONSTITUTIONS

Afghanistan, Fundamental Principles of the Government Article 1

The faith of Afghanistan is the sacred faith of Islam and the official religion and that of the population in general is the Hanafi religion. The king of Afghanistan should be a follower of this religion. Followers of other religions such as Hindus and Jews, who live in Afghanistan, provided they do not infringe the ordinary rules of conduct and propriety, also enjoy protection.

Article 9

All persons residing in the Kingdom of Afghanistan are called Afghan subjects without distinction of creed and religion. Afghan nationality is acquired or lost in accordance with the nationality laws.

/Article 10

Article 10

All Afghan subjects, although required to observe the injunctions and prohibitions of their Government in religious and political matters, are free to enjoy all right conferred by Shariat Law.

Article 13

All Afghan subjects have equal rights and duties under the Shariat law and the law of the State.

Argentina, Constitution of

Article 16

The Argentine Nation does not admit prerogatives of blood or of birth; in it there are no personal privileges, nor titles of nobility. All its inhabitants are equal before the law, and admissible for employment without any other requisite than fitness. Equality is the basis of taxation and of the public burdens.

Article 20

Aliens enjoy in the territory of the Nation all of the civil rights of the citizen; they may exercise their industry, commerce, and profession; own landed property, purchase it, and sell it; navigate the rivers and coasts; freely practice their religion; make their wills and marry in accordance with the laws. They are not obliged to assume citizenship, nor to pay forced extraordinary taxes. They may obtain naturalization by residing two continuous years in the Nation; but the authorities may shorten this term in favour of anyone so requesting, on adducing and proving services to the Republic.

Belgium, Constitution of

Article 5

Naturalization is granted by the Legislative power.

Full naturalization alone admits foreigners to equality with Belgians in the exercise of political rights.

Article 6

There shall be no distinction of classes in the State.

Belgian citizens are equal before the law; they alone are admissible to civil and military offices, with such exceptions as may be established by law for particular cases.

/Bolivia,

Bolivia, Constitution of

Article 19

Aliens shall not, within fifty kilometers of the frontiers, acquire or own, directly or indirectly, soil or subsoil, by any kind of title, under penalty of forfeiting to the benefit of the State the property acquired, except in case of national necessity stated by a special law.

Article 132

The law does not recognize inequality among children; all have the same rights.

Brazil, Constitution of

Article 141

1. All are equal before the law.

Article 155

Coastwise navigation for the transport of goods is the exclusive prerogative of national ships, except in case of public necessity.

The owners, charterers, and commanders of national ships, as well as at least two-thirds of the members of their crews, shall be native Brazilians.

Article 157

Labour legislation and that of social welfare shall obey the following precepts, in addition to others aiming to improve the conditions of workers:

2. Prohibition of salary differences for the same work by reason of age, sex, nationality, or civil status ...

Chile, Constitution of

Article 10

The Constitution insures to all the inhabitants of the Republic:

1st. Equality before the law. In Chile there is no privileged class.

China, Constitution of

Article 7

All citizens of the Republic of China, irrespective of sex, religion, race, class or party affiliation shall be equal before the law.

Colombia, Constitution of

Article 16

The authorities of the Republic are instituted to protect the lives,
/honour,

honour, and property of all persons residing in Colombia, and to insure fulfilment of the social duties of the State and of private persons.

Costa Rica, Constitution of

Article 23

The Republic does not recognize hereditary titles, or venal positions, nor permit the establishment of entailed estates.

Article 25

All men are equal before the law.

Article 62

An equal wage or salary shall be paid for equal work under identical conditions, without distinction of persons or sexes ...

The rural worker shall enjoy the same essential rights as the urban worker ...

Under equality of conditions employers and public or private enterprise have the obligations of giving preference to Costa Rican workers. In the cases occurring, the law shall fix the minimum proportion of native workers, giving consideration not only to their number but also to the total amount of salaries or wages paid them.

Cuba, Constitution of the Republic of

Article 20

All Cubans are equal before the law. The Republic does not recognize exemptions or privileges.

Any discrimination by reason of sex, race, colour or class, and any other kind of discrimination destructive of human dignity, is declared illegal and punishable.

The law shall establish the penalties that violators of this provision shall incur.

Article 43

The married woman enjoys the full advantages of equal civil capacity, with no necessity for marital permission or authorization in order to manage property, freely to engage in trade, to enter industry or a profession, to practice an art, to hold office, and to dispose of the product of her labour.

/Article 44

Article 44

Children born out of wedlock to a person who at the time of conception may have been able to contract marriage, have the same rights and duties as are stipulated in the preceding paragraph, except for what the law prescribed in regard to inheritance. For this purpose, children born out of wedlock, of married persons, when the latter acknowledge the children, or when the filiation is established by declaration, shall also have equal rights. The law shall regulate the investigation of paternity.

Article 62

For equal work under identical conditions, an equal salary shall always be paid regardless of persons.

Article 74

The ministry of labour shall take care, as an essential part, among others, of its permanent social policy, that discriminatory practices of no kind shall prevail in the distribution of opportunities for labour in industry and commerce. In personnel changes and in the creation of new positions, as well as in new factories, industries, or businesses that may be established, it shall be obligatory that opportunities for labour be distributed without distinctions on a basis of race or colour, provided that requirements of ability are satisfactorily met. It shall be established by law that any other practice shall be punishable and may be prosecuted officially or at the instance of the aggrieved party.

Article 90

The law shall restrictively limit acquisition and possession of land by foreign persons and companies, and shall adopt measures tending to revert the land to Cuban ownership.

Czechoslovakia, Constitution of

Article 128

1. All citizens of the Czechoslovak Republic shall be in all respects equal before the law and shall enjoy equal civic and political rights whatever be their race, their language or their religion.

/Denmark,

Denmark, Constitution of

Article 90

Every prerogative attaching in law to persons of the nobility, of title and rank is abolished.

Ecuador, Constitution of

Article 169

In seeking legal protection, all persons shall be held equal in the eyes of the law. No one may have rights granted him or obligations imposed on him which place him at an advantage or disadvantage compared with others ...

Egypt, Royal Rescript No. 42 of 1923

Article 3

All Egyptian subjects are equal before the law. They shall equally enjoy civil and political rights and shall equally be subject to public charges and duties without distinction of race, language or religion.

El Salvador, Constitution of

Article 5

No hereditary offices or privileges are recognized in the Republic.

Article 23

All men are equal before the law.

France, Declaration of the Rights of Man and of the Citizen, 1789

Article 1

Men are born and remain free and equal in respect of rights. Social distinction shall be based solely upon public utility.

Article 6

The law is an expression of the common will. All citizens have a right to concur either personally or by their representation in its formation. It should be the same for all whether it protects or punishes; and all being equal in its sight are equally eligible to all honours, places and employment according to their different abilities without any other distinction than that of their virtues and talents.

France, Constitution of

Paragraph 1

On the morrow of the victory of the free peoples over the regimes that attempted to enslave and degrade the human person, the French people proclaims again that every human being, without distinction of race,

/religion

religion or belief, possesses inalienable and sacred rights. It solemnly reaffirms the freedoms of man and of the citizen consecrated by the Declaration of Rights of 1789 and the fundamental principles recognized by the laws of the Republic.

Paragraph 3

The law guarantees to women in all domains equal rights with those of men.

Paragraph 17

France forms with the peoples overseas a union founded on the equality of rights and duties without distinction of race or religion.

Paragraph 19

Faithful to her traditional mission, France proposes to guide the peoples for whom she has assumed responsibility towards freedom to govern themselves and democratically to manage their own affairs; putting aside all systems of colonization founded on arbitrary power; she guarantees to all access to public office and the exercise of the individual or collective rights and liberties proclaimed or confirmed above.

French Republic, Constitution of the

Article 1

France is a republic, indivisible, secular, democratic and social.

Article 44

Members of families that once reigned over France shall not be eligible for the Presidency of the Republic.

Article 80

All nationals of the Overseas Territories shall have the status of citizens, in the same capacity as French nationals of Metropolitan France or the Overseas Territories. Special laws shall determine the conditions under which they may exercise their rights as citizens.

Article 81

All citizens and nationals of territories within the French Union shall have the status of citizens of the French Union, which ensures

/them the

them the enjoyments of the rights and liberties guaranteed by the Preamble of the present Constitution.

Article 82

Those citizens who do not have French civil status shall retain their personal status so long as they do not renounce it.

This status may in no case constitute a ground for refusing or restricting the rights and liberties pertaining to the status of French citizens.

Greece, Constitution of

Article 3

The Greeks are equal in the eye of the law and contribute without distinction to the public burdens according to their ability; and only Greek citizens are admissible to all public employments, saving the special exceptions introduced by special laws. Citizens are those who have acquired or shall acquire the qualifications of citizenship in accordance with the laws of the State. Titles of nobility or distinction are neither conferred on Greek citizens nor recognized to them.

Guatemala, Constitution of

Article 21

Every person enjoys the guarantees that this constitution establishes, without further restrictions than those that the latter itself stipulates. As an equal qualification, any discrimination by reason of relationship, sex, race, colour, class, religious beliefs, or political ideas is declared illegal and punishable.

Article 57

Fundamental principles of the organization of labour ... are:

6. Equality of wages or pay corresponding to equal work and under identical conditions, given in the same enterprise, without distinction of age, race, sex, or nationality, paying attention only to capacity, efficiency and honesty.

/7. Preference

7. Preference for Guatemala workers under equality of conditions, fixing the minimum proportion of nationals for each business or enterprise.

Article 74

... The organization of the family ... shall rest upon the absolute equality of rights of both husband and wife

Haiti, Constitution of

Article 11

Haitians are equal before the law, subject to the advantages conferred on natural-born Haitians. They shall also be eligible, without any discrimination, for civil and military employment under the conditions established by law.

Article 18

The freedom of labour shall be exercised under the control and supervision of the State and subject to the conditions prescribed by law.

Nevertheless, only natural-born Haitians may engage in retail trade, practice handicrafts and pursue all other commercial and professional activities as determined by law.

Honduras, Constitution of

Article 30

The Constitution guarantees to all inhabitants of Honduras, whether they be natives or aliens, inviolability of human life, individual security, liberty, equality before the law, and property.

Article 69

All Hondurens are equal before the law.

The Republic does not recognize exemptions or personal privileges.

Article 71

Ministers of the various religions shall not exercise public offices.

Iceland, Constitution of

Article 78

No privilege attached to nobility, title or rank may be established by law.

/India,

India, Constitution of

Article 298

1. No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring holding or disposing of property or carrying on any occupation, trade, business or profession in British India.
2. Nothing in this section shall effect the operation of any law which -
 - (a) prohibits, either absolutely or subject to exceptions, the sale or mortgage of agricultural land situated in any particular area, and owned by a person belonging to some class recognized by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or
 - (b) recognizes the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.
3. Nothing in this section shall be construed as derogating from the special responsibility of the Governor-General or of a Governor for the safeguarding of the legitimate interests of minorities.

Iran, The Supplementary Fundamental Laws

Article 8

The people of the Persian Empire are to enjoy equal rights before the law.

Iraq, Constitution of

Article 6

There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race, or creed.

Article 18

Iraq nationals are equal in the enjoyment of civil and political rights and the performance of public duties and obligations. No

/distinction

distinction shall be made between them on account of origin, language or religion.

Lebanon, Constitution of

Article 7

All Lebanese shall be equal in the eyes of the law. They shall enjoy civil and political rights and shall also be liable to public charges and obligations without any distinction whatsoever being made.

Liberia, Constitution of

Article 1

Section 1. All men are born equally free and independent, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Article 13

None but negroes or persons of negro descent shall be eligible for citizenship in this Republic.

Luxembourg, Constitution of

Article 11

There shall be no distinction of rank in the State. Luxembourg nationals are equal before the law; they alone shall be admissible to civil and military offices, save where exceptions may be established by law for specific cases.

United Mexican States, Constitution of the

Article 9

An assembly or meeting that has as its object the formulating of a petition or the presenting of a protest regarding some act of an authority shall not be considered illegal and may not be dissolved, provided insults are not voiced against said authority nor any violence or threats used to intimidate or oblige him to decide in the manner that they desired.

The right of associating or meeting peacefully for any lawful purpose shall not be infringed, but only citizens of the Republic may exercise it in taking part in the political affairs of the country. No

/armed

armed assembly has the right of deliberating.

Article 12

Neither titles of nobility nor hereditary privileges or honours shall be granted to the United Mexican States, nor shall those awarded by any other country be recognized.

Article 13

No person may be judged by private laws or special tribunals. No person or corporation may have special privileges, nor enjoy greater emoluments than those that may be compensation for public services and are fixed by law. The military code exists for crimes and offenses against military discipline; but the military tribunals may in no case and for no cause extend their jurisdiction over persons who do not belong to the army. Should a civilian be implicated in crime or offense of a military character, the proper civil authority shall hear the case.

Article 27

... The capacity to acquire ownership of lands and waters of the Nation shall be subject to the following regulations:

1. Only Mexicans by birth or by naturalization or Mexican companies have the right to acquire ownership of lands, waters, and their appurtenances or to obtain concessions for the exploitation of mines, waters, or combustible minerals in the Mexican Republic. The State may concede the same right to aliens provided they agree before the Ministry of Foreign Relations to consider themselves as nationals with respect to said properties and not to invoke the protection of their Governments in reference to same; should they fail to respect the agreement, they shall be penalized by losing to the benefit of the Nation the properties they may have acquired.

Under no consideration may aliens acquire direct ownership over lands and waters within a zone 100 kilometers wide along the frontiers,

/or fifty

or fifty kilometres along the coast ...

Article 32

Mexicans shall have preference over aliens, under equal circumstances, for all kinds of concessions and for all Government positions, offices, or commissions in which the status of citizenship is not indispensable. No alien may serve in the army, or in the police or public safety forces during time of peace.

To belong to the national navy or the air force and to discharge any commission or office in them, it is necessary to be a Mexican by birth. The same qualification is necessary for pilots, captains, masters, machinists, mechanics and, in a general way, for all of the crew of any vessel or airplane flying the flag of the Mexican merchant marine. Mexican citizenship by birth shall also be required in order to perform any office of captain of the port and all pilotage services, and command of airdromes, as well as the duties of custom inspector for the Republic.

Article 123

The Congress of the Union shall formulate labour laws which shall apply to workers, day labourers, office holders, domestics, and artisans, and in a general manner, to all labour contracts without contravening the following basic principles:

7. The same payment shall be made for equal work, without taking into account sex or nationality.

Nicaragua, Constitution of

Article 34

The Constitution and the laws equally protect and obligate all the inhabitants of the Republic. Special laws may be enacted only when the nature of things so demands.

Article 54

No privileged class may exist.

/Article 106

Article 106

All Nicaraguans are equal before the law, except in regard to women on account of differences inherent in their nature or where the good of the family is concerned.

Article 107

There will be no privileges by reason of birth, nobility, race, or social condition, or any distinction other than those of ability or virtue.

Article 108

No other titles will be granted than those belonging to an office, profession or university degree.

Panama, Constitution of the Republic of

Article 21

All Panamanians and aliens are equal before the law.

There will be no personal privileges or exemptions or distinctions by reason of race, birth, social class, sex, religion, or political ideas, but the law may, for reasons of health, morality, public security, and national economy, subordinate aliens in general to special conditions or refuse the exercise of determined activities. The law or the authorities may, furthermore, as the case may be, take measures that affect exclusively the nationals of determined countries in case of war or in conformity with what is established by public treaties.

Article 55

Matrimony is the legal foundation of the family, resting on the equality of rights of the spouses, and it may be dissolved in accordance with the law.

Article 66

An equal salary or wage always belongs to equal work, under identical conditions, whoever may be the persons who perform it, without distinction of sex or nationality.

/Article 60

Article 80

No educational institution may refuse to admit students by reason of the nature of the union of their ancestors or guardians or because of social, racial, or political differences.

The violation of this precept by private educational institutions will cause the loss of the official subvention if it had one, that of the power of having its degrees and certificates recognized by the State, if it possessed the power, and if it should be guilty of contempt, the loss of the right to continue imparting instruction.

Paraguay, Constitution of

Article 23

The civil rights of women shall be regulated by law, taking heed of the unity of the family, the equality of woman and man, and the diversity of their respective functions in society.

Article 33

The Paraguayan Nation does not admit prerogatives of blood or of birth; there are no personal privileges or titles of nobility. All the inhabitants of the Republic are equal before the law ...

Article 36

Aliens enjoy the civil rights of the citizen within the territory of the Republic, in accordance with the laws regulating their exercise; they may practice their industry, trade, or profession; they may own land, bequeath property, and marry ...

Peru, Constitution of the Republic of

Article 17

Mercantile companies, national or foreign, are subject without restrictions to the laws of the Republic. In any contract between the State and aliens, or in the concessions that the former may grant in favour of aliens, the express submission of the latter to the laws and tribunals of the Republic and their renunciation of all diplomatic claims must be made clear.

/Article 23

Article 23

The Constitution and the laws protect and obligate all the inhabitants of the Republic equally. Special laws may be enacted because the nature of things may require it, but not because of any difference between persons.

Article 32

The same provision regarding property applies to aliens as well as Peruvians, except that in no case may said aliens make use of their exceptional position or resort to diplomatic appeals.

Philippines, Constitution of the
Section 1.

Article 3

(1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust, shall without the consent of the National Assembly, accept any present, emolument, office or title of any kind whatever from any foreign state.

(21) Free access to the courts shall not be denied to any person by reason of poverty.

Article 5

Section 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality

/wherein

wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

Poland, Constitution of

Article 122

The rules as to citizens' rights apply also to persons belonging to the armed force. Special military statutes define exceptions to this principle.

Siam, Constitution of

Article 1

The Kingdom of Siam is one and indivisible. The Siamese people of whatever race or religion are all equally entitled to the protection of this Constitution.

Article 12

Subject to the provisions of this Constitution, all persons are equal before the law. Titles acquired by birth, by bestowal, or in any other way do not confer any privilege whatever.

Syria, Constitution of

Article 6

All Syrians shall be equal in the eyes of the law. They shall enjoy equal civil and political rights; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, faith, race or language.

Turkey, Constitution of

Article 88

Paragraph 1. The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

Article 69

All Turks are equal before the laws and expected conscientiously to abide by them.

/Every type

Every type of group, class, family and individual privilege is abolished and prohibited.

United States of America, Constitution of

14th Amendment

1. ... nor deny to any person within its jurisdiction the equal protection of the laws.

15th Amendment

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, colour, or previous condition of servitude.

19th Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Union of Soviet Socialist Republics, Constitution of

Article 122

Women in the Union of Soviet Socialist Republics are accorded equal rights with men in all spheres of economic, state, cultural and political life.

The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, pre-maternity and maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

Article 123

Equality of rights of citizens of the Union of Soviet Socialist Republics, irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an infeasible law.

Any direct or indirect restriction of the rights of, or conversely, any establishment of direct or indirect privileges for, citizens on

/account

account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

Uruguay, Constitution of

Article 8

All persons are equal before the law, no other difference being recognized among them than that of talent or virtue.

Article 41

Parents shall have the same obligations toward children born out of wedlock as toward those born in marriage...

Yugoslavia, Constitution of

Article 21

All citizens of the Federal People's Republic of Yugoslavia are equal before the law and enjoy equal rights regardless of nationality, race and creed.

No privileges on account of birth, position, property status or degree of education are recognized.

Any act granting privileges to citizens or limiting their rights on grounds of difference of nationality, race and creed, and any propagation of national, racial and religious hatred and discord are contrary to the Constitution and punishable.

Article 24

Paragraph 1. Women have equal rights with men in all fields of State, economic and social-political life.

Paragraph 2. Women have the right to the same pay as that received by men for the same work and as workers or employees they enjoy special protection.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

Article 1

Every human being, - irrespective of race, colour, creed, sex or national origin - has the right to pursue his or her work and spiritual

/development

development in conditions of freedom and dignity.

Article 12

The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the above rights can have tangible meaning and practical application only if -

(a) All human beings have real security and are free from discrimination on account of race, colour, creed or difference of political belief from the government in control or the party in power.

(c) All economic or political discrimination and punishment for differences of political opinion or religious belief and practices are to be eliminated. The threat of being sent to concentration or labour camps as a punishment for difference of opinion with any government authority or dominant political party must be completely removed.

ARTICLE 46

"In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right to establish and maintain, out of an equitable proportion of any public funds available for the purpose, their schools and cultural and religious institutions, and to use their own language before the courts and other authorities and organs of the State and in the press and in public assembly."

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

Mrs. Mehta (India):

Remembering the case of Indians, Chinese, Japanese and other peoples scattered in the world, Mrs. Mehta said:

"An effort must be made to define in precise, legal and practical language, as to what a minority is, as to what discrimination is. Additional to this, a definition must be made forthwith as to what specific safeguards must be incorporated in the proposed bill of human rights against the danger of assimilation of minorities where they exist".*

Mr. Hodgson (Australia):

".....What do we see when we speak of Human Rights? We refer to, or we have in mind minorities."**

General Romulo (Philippines):

".....the bill of rights, which we have been commissioned to draw up, should take into account..... the rights of minority groups within the state....."***

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declaration

Chile

No provision

* H.R. Com. - 2nd meeting - 1st session - page 32
** H.R. Com. - 2nd meeting - 1st session - page 42
*** H.R. Com. - 9th meeting - 1st session - page 13-20

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. CONSTITUTIONS

Belgium, Constitution of

Article 23

The use of the languages spoken in Belgium is optional. This may be regulated only by law and only for acts of public authority and for judicial proceedings.

Byelorussia, Constitution of

Article 86

Article 96

See Article 110 and 121 of the Union of Soviet Socialist Republics Constitution.

China, Constitution of

Article 5

All racial groups of the Republic of China shall enjoy equality.

Article 168

The state shall accord legal protection to the status of the racial groups in the border regions, and shall render special assistance to their undertakings of local self-government.

Article 169

The State shall positively undertake and foster the development of education, culture, communications, river conservancy, public health and other economic and social enterprises of the racial groups in the border region.....

Czechoslovakia, Constitution of

Article 130

In so far as citizens of the Czechoslovak Republic are entitled by the

/common law

common law to establish, manage and administer at their own cost philanthropic religious, or social institutions, they are all equal, no matter what be their nationality, language, religion or race and may, in such institutions, make use of their own language and worship according to their own religious ceremonies.

Article 131

In towns and districts in which there lives a considerable fraction of Czechoslovak citizens speaking a language other than Czechoslovak, the children of such Czechoslovak citizens shall, in public instruction and within the bounds of the general regulation relating thereto, be guaranteed a due opportunity to receive instruction in their own tongue. The Czechoslovak language at the same time may be prescribed as a compulsory subject of instruction.

Article 132

In towns and districts where there is living a considerable fraction of Czechoslovak citizens belonging to some minority whether in respect of religion, or nationality, or language and where specific sums of money from public funds are set out in the state budget or in the budget of local or other public authorities to be devoted to education, religion, or philanthrop a due share in the use and enjoyment of such sums shall be secured to such minorities within the limits of the general regulations for public administration.

Article 134

Every manner whatsoever of forcible denationalization is prohibited. Non-observance of this principle may be proclaimed by law to be a punishable act.

Ecuador, Constitution of

Article 185

It shall be the duty of the Public authorities to promote, in the most suitable manner, the moral, intellectual, economic and social advancement of natives and dwellers in the coastal jungle.

Article 191

Both public and private instruction shall pay special attention to

/the native race.

the native race.

Egypt, Royal Rescript

Article 16

No restriction may be imposed on the free use of any language in private relations, commerce, religion, the press or publications of any kind or at public assemblies.

Iraq, Constitution of

Article 16

The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Article 17

Arabic shall be the official language, except as may be prescribed by a special law.

Lebanon, Constitution of

Article 10

There shall be no interference with public instruction as long as it is not contrary to public order and morals and does not affect the dignity of the various creeds. The communities shall be entitled to maintain their own schools, provided that they conform to the general requirement relating to public instruction laid down by the State.

Article 11

Arabic shall be the official national language in all Government departments. French shall also be an official language; the cases in which it is to be used shall be determined by a special law.

Luxemburg, Constitution of

Article 29

The use of the German and French languages shall be optional; their use may not be restricted.

Panama, Constitution of

Article 94

The State will give special protection to peasant and indigenous communities for the purpose of integrating them in an effective manner in the national community with regard to their standards of living, economic,
/political,

political, and intellectual. Action relative to indigenous communities will be effected to conserve and develop at the same time the values of the autochthonous culture.

Article 96

In addition to the general ends of national culture, schools for peasants and Indians must satisfy the following:

1. To create a consciousness of the duties, rights, dignity, and possibilities of the Panamanian citizen.
2. To awaken interest in country life by means of objective instruction in the material elements indispensable for a secure, healthful, and decent rural life; and
3. To carry to peasant and indigenous homes the action of agencies of education and assistance that tend to elevate their moral, cultural, and social level.

Poland, Constitution of

Article 109

Every citizen has the right of preserving his nationalities and developing his mother-tongue and national characteristics.

Special statutes of the state will guarantee to minorities in the Polish State the full and free development of their national characteristics, with the assistance of autonomous minority unions, endowed with the character of public law organizations, within the limits of unions of general self-government.

The state will have, in regard to their activity, the right of control and of supplementing their financial means in case of need.

Article 110

Polish citizens belonging to national, religious, or linguistic minorities have the same right as other citizens of founding, supervising, and administering at their own expense, charitable, religious, and social institutions, schools and other educational institutions and of using freely therein their language, and observing the rules of their religion.

/South Africa, Constitution of

South Africa, Constitution of

Article 147 (Part VIII)

The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any Colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart except under the authority of an Act of Parliament.

Article 137 (Part VIII)

Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges; all records, journals and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

Syria, Constitution of

Article 24

Arabic shall be the official language in all the public services, except in so far as other languages may be used in addition, in virtue of a law or an international agreement.

Article 28

The rights of the different religious communities shall be guaranteed, and such bodies may found schools for the education of children in their

/own language,

own language, provided always that they conform to the principles laid down by the law.

Ukraine, Constitution of

Article 109

Article 120

See Article 110 and 121 of the Union of Soviet Socialist Republics Constitution.

Union of Soviet Socialist Republics, Constitution of

Article 110

Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Article 121

Citizens of the Union of Soviet Socialist Republics have the right to education.

This right is ensured...by instruction in schools being conducted in the native language....

Yugoslavia, Constitution of

Article 13

National minorities in the Federal People's Republic of Yugoslavia enjoy the right to and protection of their own cultural development and the free use of their own language.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED
BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 47

"It is the duty of each member State to respect and protect the rights enunciated in this Bill of Rights.

The State shall, when necessary, co-operate with other States to that end.

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

A. Drafts of International Declarations

Chile (Inter-American Juridical Committee) Article XVIII (paragraph 2 - 3)

It is the duty of the state to respect the fundamental rights of all persons within its jurisdiction and to protect them in the enjoyment of their rights against interference by other persons.

In all proceedings in relation to fundamental rights the state must act in accordance with due process of law and must assure to every person the equal protection of the law.

Cuba

No provision

Panama

No provision

B. Proposals

India

No provision

United States

No provision

SECTION III. CONSTITUTIONS

China, Constitution of

Article 141

The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good neighbourliness with other nations and respect treaties and the United Nations Charter in order to

/protect

protect the rights and interests of overseas Chinese nationals, promote international co-operation, advance international justice and ensure world peace.

Costa Rica, Constitution of

Article 65

The rights and benefits to which this section refers (i.e. Social Guarantees) are irrenounceable. Their enunciation does not exclude others derived from the Christian principle of social justice that shall be applicable equally to all elements participating in the process of production and regulated by a social and labour code, for the purpose of attaining a permanent policy of national solidarity.

El Salvador, Constitution of

Article 40

The rights and guarantees that this Constitution enumerates shall not be understood as a denial of other rights and guarantees not enumerated, but are born of the principle of the sovereignty of the people and of the republican form of government.

Article 8

El Salvador recognizes rights and duties prior and superior to the positive law, having as principles liberty, equality, and fraternity, and based on the family, labour, property, and public order.

Mexico, (United Mexican States) Constitution of

Article 1

Every person in the United Mexican States shall enjoy the guarantees that this Constitution grants, which may neither be restricted nor suspended, except in the cases and under the conditions herein established.

Article 15

The negotiation of treaties for the extradition of political offenders or those covering civil delinquents who may have been slaves in the country where they committed the offense shall not be authorized; nor shall conventions or treaties be made by virtue of which guarantees and rights established for the individual and the citizen by this Constitution are altered.

/Nicaragua,

Nicaragua, Constitution of

Article 35

Authorities are instituted in order to guarantee all the inhabitants of Nicaragua in their lives and personal integrity, their good name and reputation, and in order to secure the right to property, and the fulfillment of the social duties of the State and of individuals.

Panama, Constitution of

Article 19

The authorities of the Republic are instituted in order to protect, in their life, honour, and property, nationals wherever they may be found and aliens who are under its jurisdiction; to assure the effectiveness of individual and social rights and duties, and to comply and cause compliance with the Constitution and the law.

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY
NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

ARTICLE 48

The provisions of this International Bill of Rights shall be deemed fundamental principles of international law and of the national law of each of the member States of the United Nations. Their observance is therefore a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof.

SECTION I. OBSERVATIONS MADE BY MEMBERS OF THE HUMAN RIGHTS COMMISSION

- None -

SECTION II. DRAFTS OF INTERNATIONAL DECLARATIONS OR PROPOSALS SUBMITTED TO THE COMMISSION BY GOVERNMENTS

No provisions

SECTION III. NATIONAL CONSTITUTIONS

No provision

SECTION IV. DRAFT INTERNATIONAL DECLARATIONS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A

American Federation of Labor

No provision

/OTHER PROVISIONS

OTHER PROVISIONS CONTAINED IN THE NATIONAL CONSTITUTIONS
NOT DIRECTLY RELATED TO ANY ARTICLE OF THE DRAFT

1. Emergency

Afghanistan, Fundamental Principles of the Government Article 18

Levies of money and forced labour are prohibited, except during time of war.

Argentina, Constitution of Article 23

In case of internal commotion or foreign attack endangering the exercise of this Constitution and of the authorities created by it, the Province or territory in which the disturbance of order exists shall be declared in a state of siege, the constitutional guarantees there being suspended. But during this suspension the President of the Republic shall not condemn by himself nor apply penalties. His power shall be limited, in such a case, with respect to persons, to arresting them or conveying them from one point of the Nation to another, if they should not prefer to leave the Argentine territory.

Bolivia, Constitution of Article 34

In cases of grave danger by reason of internal disturbance or foreign war, the chief of the executive power may, with the affirmative action of the Council of Ministers, declare a state of siege in the part of the territory where it may be necessary.....

3rd. The guarantees and rights sanctioned by this Constitution shall not in general be suspended with the declaration of a state of siege; but they may be so with respect to designated persons fundamentally accused of plotting against the tranquillity of the Republic, according to the provisions of the following paragraphs.

Brazil, Constitution of Article 208

..... When the state of siege has been decreed, the president of the Senate shall immediately convoke the national Congress, to assemble within fifteen days, to approve or disapprove the law.

Article 212

The decree of state of siege shall always specify the regions it is to cover.

Chile, Constitution of

Article 72

Special attributes of the President are:

17th. To declare in a state of assembly one or more provinces invaded or menaced in case of foreign war, and in a state of siege one or several points of the Republic in case of foreign attack.

In case of interior disturbances the declaration of one or more places being in a state of siege belongs to Congress, but if Congress be not in session, the President may make it for a determined period.

If on the meeting of Congress the period named be not expired, the declaration made by the President of the Republic shall be understood as a proposal of law.

Through the declaration of a state of siege, there is conceded to the President of the Republic only the authority to transfer persons from one department to another and to confine them in their own houses, or in places other than jails, or intended for the confinement or imprisonment of ordinary criminals.

Measures taken on account of the state of siege shall have no greater duration than the siege, but thereby shall not be infringed the constitutional guarantees granted to Deputies and Senators.

Costa Rica, Constitution of

Article 82

The exclusive powers of the Congress are:

7th. To suspend, by two-thirds vote of those present, the individual guarantees designated in articles 28, 30, 31, 32, 33, 36, 37, 40 and 41 of the Fundamental Law itself, in case the Republic finds itself in imminent danger, whether it be because of foreign aggression, or by reason of internal uprising. This suspension shall be of all these guarantees or of only part of them, for all the territory of the Republic or for a part of it,

/end for

and for seventy days or less. The Executive may not, with respect to persons, do more than impose arrest in a place not assigned for common criminals, or to decree their confinement in inhabited places. In no case may they be tortured.

The Executive shall give a report to the Congress in its next meeting, of the means taken to preserve public order or to maintain the security of the State, which shall cease immediately when the guarantees are re-established.

Sole Section. The suspension to which this provision refers, shall never include the guarantees designated in article 45, Title III, Section 2, of this Constitution.

Cuba, Constitution of

Article 41

The guarantee of the rights recognized in articles 26, 27, 28, 29, 30 (first and second paragraphs) 32, 33, 36, and 37 (first paragraph) of this Constitution may be suspended in all or in part of the national territory, for a period not greater than forty-five calendar days, whenever the security of the State may require it, or in case of war or invasion of the national territory, grave disturbance of order, or other happenings profoundly disturbing the public tranquillity.

Suspension of the constitutional guarantees may be carried out only by means of a special law enacted by the Congress, or by means of a decree of the Executive; however, in the latter case, and in the same decree of suspension, the Congress shall be convened within a period of forty-eight hours and assembled as a single body to ratify or refuse the suspension, balloting by name and by a majority of votes. In case the Congress, thus assembled, should vote against the suspension, the guarantees shall automatically stand re-established.

Article 42

The territory in which the guarantees referred to in the preceding article may have been suspended, shall be governed by the law of public

/order

order previously enacted; however, neither in the said law, nor in any other, may there be suspension of any guarantees other than those mentioned. Likewise, no statement of new crimes shall be made, or any penalties imposed, other than those established by law at the time of the suspension.

Those arrested for reasons that may have been stipulated in the suspension must be confined in special places designated for persons prosecuted or punished for political or social crimes.

The Executive is forbidden to hold any person in arrest for more than ten days without delivering him to judicial authority.

Czechoslovakia, Constitution of

Article 113

3. Restrictions may be imposed in cases of assembly in places which serve as public thoroughfares, in cases of establishment of associations for the purpose of profit and in cases of the participation of foreigners in political associations. The law shall also state what restrictions shall be placed on the principles of the foregoing paragraphs in time of war or in case of events taking place within the State seriously threatening the republican form of government, the Constitution or public peace and order.

Dominican Republic, Constitution of

Article 33

The powers of the Congress are:

7th. To declare a state of siege; in case of disturbance of the public peace, and to suspend, where that exists, and for the time of its duration, individual rights established in article 6, clauses 5, 6, 10 and 12, Letters (b), (d), and (e).

8th. In case the national sovereignty is found exposed to serious or imminent danger, the Congress may declare that a state of national emergency exists, suspending the individual rights established in Clause 2 to Clause 12, both inclusive, of article 6 of this Constitution. If the Congress shall not have been convened, the President of the Republic may

/order

order the same measure, with the obligation of summoning the Congress, by the same act, so that it shall meet within the next ten days, in order to decide upon the maintenance or revocation of the said measure. If it opposes, or if the Congress does not convene, said measure will cease automatically.

Egypt, Royal Rescript

Article 155

No provision of the present Constitution may on any pretext be suspended, except temporarily in time of war, during a state of siege, and in accordance with the procedure prescribed by law. In no case may the meeting of Parliament in the conditions laid down by the present Constitution be impeded.

Ethiopia, Constitution of

Article 29

The provisions of this chapter shall not preclude the taking of any measures by the Emperor in virtue of his supreme power in the event of war or public disaster threatening the interest of the nation.

Haiti, Constitution of

Article 142

No place and no part of the national territory may be declared in a state of emergency except in the case of civil disturbances or imminent invasion by foreign forces.

The act of the President of Haiti proclaiming a state of emergency must be signed by the Council of Secretaries of State and prescribe the immediate summoning of the Legislative Assembly which shall decide on the expediency of the measure.

The Legislative Assembly shall decree jointly with the Executive what Constitutional guarantees may be suspended in those parts of the national territory placed in a state of emergency.

Article 143

The conditions obtaining a state of emergency shall be governed by a special law.

/Honduras, Constitution of

Honduras, Constitution of

Article 83

The guarantees established in articles 32, 34, 35, 42, 48, 49, 50, 51, 52, 59, the first paragraph of 61, 67, 73, and 79 may be suspended temporarily, in all or part of the Republic, when the safety of the State so requires because of invasion of the territory, serious disturbance of order that threatens public peace, an epidemic, or other calamity.

During the suspension, the territory in which the afore-mentioned guarantees were suspended shall be governed by the law of state of siege; but the suspension of any other guarantees than those mentioned cannot be made by the said law or by any other.

During the suspension of the afore-mentioned guarantees, declaration of new offenses shall not be made, nor shall other penalties be imposed save those established in laws existing at the time of the decree of suspension.

Article 84

The suspension of guarantees may be decreed only by the Congress, or if it is not in session, by the Executive; but the latter may not decree suspension for more than sixty days, except by a new declaration. In all cases he must give an account to the Congress of the measures taken during the suspension of guarantees.

Iraq, Constitution of

Article 120

Should disturbances occur, or should anything happen indicating the likelihood of the occurrence of events of such a character in any part whatsoever of Iraq, or should there be a menace of hostile attack upon any part whatsoever of Iraq, the King shall have power, subject to the approval of the Council of Ministers, to proclaim martial law provisionally in these districts of Iraq exposed to the danger of disturbances or attacks. The application of the existing laws and regulations may be suspended by the proclamation declaring martial law in force, in such places and to such extent as may be prescribed in such proclamation, provided that those

/charged

charged with the execution of the proclamation shall be subject to any legal consequences of their acts, until a special law has been passed by Parliament exempting them therefrom. The method of administration of the places in which martial law has been declared to be in force shall be prescribed by Royal Irada.

Upon the occurrence of danger or rebellion or anything which disturbs the peace, in any part of Iraq, the King may, with the consent of the Council of Ministers, notify a state of emergency in the whole of Iraq, or in any part thereof. The districts affected by the notification shall provide for trial, by Special Courts, of those who commit specified offences, and prescribe the administrative measures to be taken by specified authorities.

Mexico (United Mexican States), Constitution of Article 29

In case of invasion, of serious disturbances of the public peace, or any other emergency that may place the people in great danger or conflict, only the President of the Mexican Republic, in agreement with the Council of Ministers and with the approval of the Congress of the Union, and should the latter be in recess, of the permanent committee, may suspend throughout the country or in any part specified, the guarantees that might be an obstacle to a rapid and easy adjustment of the situation; but such suspension shall be enforced only for a limited time by means of general prohibitions and shall not be confined to any particular individual. If the suspension takes place while the Congress is in session the latter shall grant the powers deemed necessary so that the Executive may meet the situation. If the suspension is made in time of recess the Congress shall be convoked without delay for the granting of such powers.

Panama, Constitution of Article 49

In case of war, grave disturbance of public order, or of urgent social interest, that demand rapid measures, the Executive may decree expropriation or occupation of private property and the indemnification

/need not

need not be prior.

When restitution of the object seized may be feasible, the seizure will be only for the time in which the circumstances that caused it continue.

The State is always responsible for every expropriation thus carried out by the Executive and for the damage and injuries caused by the seizure and will pay its value as quickly as the reason determining the expropriation or seizure may have ended.

Article 52

In case of foreign war or internal disturbance that threatens peace or public order, all of the Republic or part of it may be declared in a state of siege and the purposes of Articles 22, 24, 26, 27, 29, 38, 39, and 45 may be temporarily suspended, wholly or partially.

Article 53

The National Assembly, if it should be assembled, will decree the state of siege and the temporary suspension. If it should be in recess, it will be declared by means of a decree signed by the President, his Ministers, and the members of the permanent legislative committee, and in the same decree the National Assembly, will be convoked in order that within a maximum period of five days it may assemble and decide if that may be the case. The cause having ceased, the Assembly, if it should be assembled, and, if it is not assembled, the Cabinet Council, with the approval of the permanent legislative committee, will lift the state of siege or the suspension.

Peru, Constitution of

Article 70

When the security of the State may require it, the Executive may suspend, completely or partially, in all or in a part of the national territory, the guarantees stated in Articles 56, 61, 62, 67, and 68. If the suspension of guarantees is decreed during the session of the Congress, the Executive shall give to the Congress an immediate account of it.

/The terms

The terms of suspension of guarantees shall not exceed thirty days.
An extension requires a new decree.

The law shall determine the powers of the Executive during the suspension of guarantees.

Turkey, Constitution of

Article 86

In the event of a war, rebellion or in the case of convincing evidence of a positive and serious conspiracy against the country and the Republic, the Council of Ministers may proclaim partial or general martial law on condition that this does not exceed one month and that this measure is submitted without delay to the Grand National Assembly for approval. The Assembly may, if deemed necessary, extend or reduce the duration of martial law. Should the Assembly not be in session, it shall be convened immediately. The prolongation of Martial law is subject to the decision of the Grand National Assembly. Martial Law implies the temporary restriction or suspension of personal and residential immunity, of inviolability of correspondence, of the freedom of the press, and of the right of assembling and associating.

The area over which Martial law may be proclaimed, the application of the provisions of this regulation over the said area, as well as the mode of restriction or suspension of immunity, and freedom in time of war is determined by law.

United States, Constitution of

Article I,
Section 9, Clause 2

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Uruguay, Constitution of

Article 30

Individual security may not be suspended except with the compliance of the General Assembly or the permanent committee, in case the former has been dissolved or is in recess, and in the extraordinary case of treason or conspiracy against the Fatherland; and then it shall be instituted only

/for apprehension

for apprehension of the offenders, without prejudice to the provision of clause 18 of Article 157.

Article 157

The following are the duties of the President of the Republic, acting with a Minister or with respective Ministers, or with the Council of Ministers, according to the provisions of article 174 and those relating thereto:

18th. To take immediate measures for security in the serious and unforeseen circumstances of foreign attack or internal disturbance, giving an account within twenty-four hours to the General Assembly, or in its recess, to the permanent committee, of what he has done and his reasons therefore, proceeding as the latter bodies recommend.

With regard to persons, to prompt measures of security only authorize their arrest or transfer from one point to another within the territory, provided they do not choose to leave it. This measure also, like the others, must be submitted, within twenty-four hours of its adoption, to the General Assembly or to the permanent committee, as the case may be, and its decision accepted.

2. Laws not in accordance with the Constitution are null and void

Honduras, Constitution of

Article 82

Laws that regulate the exercise of such guarantees and rights shall be null in so far as they decrease, restrict, or pervert them.

Paraguay, Constitution of

Article 6

The principles, guarantees, obligations, and rights, proclaimed by this Constitution, may not be altered by the laws that may regulate its exercise. Any law, decree, or regulation that may be in violation of the provisions of this Constitution is null and without effect.

3. Rights not enumerated in the Constitution are not excluded

Argentina, Constitution of

Article 33

The declarations, rights, and guarantees that the Constitution

/enumerates

enumerates shall not be considered as a denial of other rights and guarantees not enumerated, but which rise from the principle of the sovereignty of the people and of the republican form of government.

China, Constitution of

Article 22

All other liberties and rights of the people that are not inimical to social order or public interest shall be guaranteed under the Constitution.

Honduras, Constitution of

Article 81

The enumeration of rights and guarantees made in this Constitution does not exclude those not enumerated that may rise from the principle of the sovereignty of the people and the republican form of government.

Nicaragua, Constitution of

Article 137

The enumeration of rights, duties, and guarantees made by the Constitution does not exclude others that are inherent in the human personality or that are derived from the republican form of government.

United States, Constitution of

9th Amendment

The enumeration on the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

4. Protection of democratic order

Yugoslavia, Constitution of

Article 43

With a view to safeguarding the civic liberties and democratic organization of the Federal Peoples Republic of Yugoslavia, established by this Constitution, it is declared illegal and punishable to make use of civic rights in order to change or undermine the constitutional order for anti-democratic purposes.

5. Limitation of the power of the Executive

Argentina, Constitution of

Article 29

The Congress shall not confer on the national Executive, nor the provincial legislatures on the governors of the Provinces, extraordinary powers, nor the whole of the public authority, nor grant them submission or supremacy, whereby the life, honour, or fortunes of Argentines will be

/at the mercy

at the mercy of governments or of any person whatever. Acts of this nature are irreparably invalid, and will bring whoever performs, allows, or signs them, under the responsibility and penalties of infamous traitors to the Fatherland.

Bolivia, Constitution of

Article 38

Neither the Congress nor any association or popular assembly may grant the Executive extraordinary powers, the total of the public power, or accord him supremacy by which the life, honour, and property of Bolivians are placed at the mercy of the Government or of any person.

Personal inviolability and the immunities established by this Constitution for the national representatives shall not be suspended during the state of siege.

France, Declaration of the Rights of Man and of the Citizen

Article 16

Every community in which the security of rights and a separation of powers is not provided for needs a constitution.

Paraguay, Constitution of

Article 16

The Chamber of Representatives may not grant extraordinary powers to the Executive outside of the prescriptions of this Constitution, nor may it grant powers by which the life, honour, and property of Paraguayans may be left to the mercy of the Government of any person.

6. Power of the armed forces

Chile, Constitution of

Article 22

The public forces are essentially obedient. No armed body may deliberate.

Article 23

Every decision that the President of the Republic, the Chamber of Deputies, the Senate, or the tribunals of justice may agree to in the presence or on demand of an army, an officer at the head of an armed force, or of any assembly of people, with or without arms, and in disobedience
/of the authorities

of the authorities, is null in law and cannot produce any effect.

Costa Rica, Constitution of

Article 22

Military force shall be subordinated to the civil power, is essentially passive, and must never deliberate.

France, Declaration of the Rights of Man and of the Citizen

Article 12

A public force being necessary to give security to the rights of man and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the person to whom it is entrusted.

Honduras, Constitution of

Article 55

Police duty shall be confided only to civil authorities.

7. Personal responsibility of officials

China, Constitution of

Article 9

No person may, except those in active military service, be subject to trial by a military court.

Article 18

The people shall have the right to take public examination and to hold public offices.

Article 24

Any public functionary who, in violation of law, infringes upon the liberties or rights of any person shall, besides being subject to disciplinary measures in accordance with the law, be responsible under criminal and civil laws. The injured person may, in accordance with law, claim indemnity from the state for damage sustained.

Colombia, Constitution of

Article 21

In case of manifest violation of a constitutional provision to the detriment of any person, the order of a superior shall not exempt from responsibility the agent who executed it.

Soldiers in active service are excepted from this provision. The responsibility with respect to them shall devolve solely upon the superior who gave the order.

/Costa Rica, Constitution of

Costa Rica, Constitution of

Article 19

Public officials are not masters but trustees of authority. They are subject to the laws and never can consider themselves superior to them.

France, Declaration of the Rights of Man and of the Citizen

Article 15

The community has the right to demand of all its agents an account of their conduct.

Greece, Constitution of

Article 19

No previous permission of the administrative authority is required to prosecute public or municipal officials for their punishable acts connected with their service, except in the case of Ministers, for which special provisions are laid down.

Iran, The Supplementary Fundamental Laws

Article 25

No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case of Ministers, in whose case the special laws on this subject must be observed.

8. Rights of regional and local communities

Denmark, Constitution of

Article 89

The right of local authorities to conduct their affairs independently under the supervision of the State is laid down by law.

9. Witnesses before the Courts

Chile, Constitution of

Article 18

The accused person shall not be obliged in criminal cases to testify under oath about his own action, nor may his antecedents, descendents, spouse, or relatives, within the third degree of consanguinity or the second of affinity, inclusive, be obliged to testify.

Dominican Republic, Constitution of

Article 6

12th. (c) no one may be tried twice for the same cause or be obliged to testify against himself, or be condemned to any punishment, whatever

/may be

may be the nature of it, unless he has been heard in a public session or unless he has been subpoenaed in regular form. Cases for which the law creates disciplinary tribunals are excepted from being heard in a public session;

10. Vested rights and interests

Brazil, Constitution of

Article 141

No. 3. The law shall not prejudice any right acquired, any juridical act accomplished, or anything judged.

Colombia, Constitution of

Article 36

The intention of gifts made during a lifetime or testamentarily, in accordance with the law, the purposes of social interest, may not be changed or modified by the Legislature. The Government shall regulate the management and investment of such gifts.

Article 31

No law that establishes a monopoly may be applied until the persons, who, by virtue of it, would be deprived of the exercise of a lawful industry, have been fully indemnified.

No monopoly may be established except as a financial expedient and by virtue of a law.

The only privilege that may be granted are those relating to useful inventions and means of communication.

Cuba, Constitution of

Article 23

Civil obligations arising from contracts, or from other acts either of commission or omission, may not be annulled or altered by the Legislature or by the Executive, and consequently laws shall have no retroactive effect in respect to the aforesaid obligations. The exercise of actions resulting from these obligations may be suspended in case of grave national crises, for the time considered reasonably necessary, by means of the same requisites and subject to the impugnability to which the first paragraph of the preceding article refers.

/11. Right to carry arms

11. Right to carry arms

Colombia, Constitution of

Article 48

The Government alone shall import, manufacture, and possess arms and munitions of war.

No person within a town shall be permitted to carry arms without permission from the authorities. This permission shall in no case be given in cases of attendance at political meetings, elections, or sessions of assemblies or public corporations, whether as members or spectators.

Honduras, Constitution of

Article 68

Inhabitants of the Republic have the right of possessing and carrying arms, according to the law.

United States, Constitution of

2nd Amendment

..... the right of the people to keep and bear arms shall not be infringed.

3rd Amendment

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

10th Amendment

The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

12. Right to strike

Colombia, Constitution of

Article 18

The right to strike, except in public services, is guaranteed. The law shall regulate its exercise.

Paraguay, Constitution of

Article 17

Any strike of public officials or any collective abandonment of their duties is prohibited.

/13. Protection

13. Protection of childhood and maternity

Panama, Constitution of

Article 57

Parental jurisdiction is the aggregate of duties and rights that parents have in relation to the children.

Parents are obliged to feed, care for, educate, and instruct their children and the latter to respect and care for their parents. The law will regulate the exercise of the parental jurisdiction in accordance with the social interest and the benefit of the children.

Uruguay, Constitution of

Article 40

The care and education of children until they reach their full physical, intellectual, and social capacity, is the duty and right of parents.

The law shall provide the necessary measures for the protection of infants and children against parents or guardians who neglect them physically, intellectually, or morally, as well as against their exploitation and abuse.

Article 42

The State shall provide that juvenile delinquency be submitted to a special system in which women shall be given participation.

Yugoslavia, Constitution of

Article 26

5. Parents have the same obligations and duties to children born out of wedlock, as to those born in wedlock. The position of children born out of wedlock is regulated by law.

14. Limitation of national sovereignty

France, Constitution of

Paragraph 16

On condition of reciprocity, France consents to the limitations of sovereignty necessary to the organization and defense of peace,

15. Prohibition of wars of conquest

France, Constitution of

Paragraph 15

The French Republic, faithful to its traditions, conforms to the rules of international law. It will undertake no war with a view to

/conquest

conquest and will never employ its forces against the liberty of any people.

16. Aliens may not have more rights than nationals

Bolivia, Constitution of

Article 18

Foreign subjects and enterprises, are, in respect to property, in the same position as Bolivians, and can in no case plead an exceptional situation or appeal through diplomatic channels unless in case of a denial of justice.
