

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

DRAFT CHARTER OF INTERNATIONAL HUMAN RIGHTS AND DUTIES

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the Commission on Human Rights the text of a draft Charter of International Human Rights and Duties submitted by the Delegation of Ecuador. This item was included in the supplementary list of items for the Agenda of the second regular Session of the General Assembly and circulated as document A/341. By a note received on 18 September 1947 and issued as document A/391, the Chairman of the delegation of Ecuador to the General Assembly of the United Nations requested the Secretary-General that the draft Charter of International Human Rights submitted by the Government of Ecuador be referred to the Commission on Human Rights. The Secretary-General notified the General Committee that it had received this communication from the delegation of Ecuador and the General Committee therefore in its report (document A/392) recommended that this item should not be included in the Agenda of the Second Session of the General Assembly.

DRAFT CHARTER OF INTERNATIONAL HUMAN RIGHTS AND DUTIES

Proposed by the Delegation of Ecuador

Article I

Everyone has the following rights:

1. Right to Life: There shall be no death penalty.

Mutilation, flogging, and other tortures and degrading procedures are categorically forbidden, whether as penalties, corrective measures, or means of investigating offences.

Everyone, including incurables, imbeciles, and the insane, has the right to life from the moment of conception.

Persons unable to support themselves by their own efforts have the right to sustenance and support, and the State has the corresponding duty of seeing to it that such support is made available.

2. Right to Personal Liberty: The right to personal liberty includes the right to freedom of movement from one part of the national territory to another, and the right to leave that territory upon presentation of a pass issued by the member States.

It also includes freedom to reside in any part of the territory, subject only to the restrictions that may be imposed by general laws for the maintenance of public order and national security.

The right to personal liberty includes the inviolability of the home and of private correspondence.

The State may restrict this right only to the extent necessary to protect public health, safety, morals and general welfare, in accordance with subsequent provisions of this Declaration.

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 of the fundamental right to personal liberty, but merely as a temporary restriction operating during the existence of the national need.

No person shall be arrested or kept in prison in consequence of a mere breach of contractual obligations.

3. Right to Freedom of Speech and of Expression through the press or other means of utterance or diffusion provided that such statements imply no abuse, calumny, personal insult, or immoral sentiments and are not opposed to the national interest, offences which would be liable to the penalties or proceedings prescribed by national law.

Accordingly everyone shall have the right of access to sources of information both domestic and foreign.

4. Right to Freedom of Conscience in all its forms and aspects, in so far as it is compatible with morality and public order.

National laws shall make no discrimination on religious, ideological, or racial grounds.

5. Right to Freedom of Assembly and of Association for Peaceful and Other purposes not Prohibited by Law.

6. Right to Petition the Government either individually or in association with others, for the redress of grievances, or 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.

7. The Right of Private Property is guaranteed by the State in so far as this is compatible with the needs of society.

8. Right to Nationality: No State may refuse to grant its nationality to persons born upon its soil.

No person may be deprived of the nationality of his birth, unless by his own free choice he acquires another nationality.

Every person is obliged to renounce the nationality of his birth or adoption upon acquiring a new nationality.

9. Right to Establish a Home and to be free from interference in his family relations. It is, accordingly, the duty of States to regulate and protect marriage, the family and family property. No one shall be compelled to make any statement on a birth certificate as to the nature of filiation and only in pursuance of the provisions laid down in national legislation shall the investigation of paternity be permitted.

Illegitimate children have the same right as legitimate children to be brought up and educated by their parents and to be their heirs. National legislation shall declare family property to be inalienable and exempt from sequestration.

10. The Right to Habeas Corpus: Save in cases of flagrante delicto, offences against police regulations or military law, 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.

11. Right not to be Outlawed, or refused access to the ordinary courts, or tried by special commissions, or deprived of the right of defence. No person shall be punished without due course of law or under a law enacted subsequent to the offence with which he is charged.

12. Right to freely elect and be elected to public office in conformity with the law.

13. Right to belong to Parties and other political associations which are not anti-constitutional, for the purpose of taking part in national politics.

14. Right to work in all its forms as a social duty especially protected by law, which shall provide the worker with the minimum conditions compatible with a dignified existence.

15. Right to enjoy the fruits of his discoveries, inventions, and other scientific, literary and artistic activities under conditions prescribed by law, and to share in the benefits accruing from scientific discoveries and inventions.

16. Right to Social Security: The State has the duty to ensure that all persons enjoy the benefits of social security. To this end the State shall promote measures of public health and safety and establish systems of social insurance and co-operative agencies which will ensure all persons an adequate standard of living and protection against the contingencies of unemployment accident, disability and ill health, and the eventuality of old age.

Every person has a duty to co-operate with the State according to his powers in the maintenance and administration of measures taken to promote his own social security.

17. 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. Opportunities of education must be open to all on equal terms in accordance with their natural capacity and their desire to take advantage of the facilities available. The State has the right to fix general standards to which educational institutions must conform, provided that

these standards are in accord with generally accepted fundamental principles and are the same for public and for private schools.

The right to education includes the right to teach, subject to the restrictions laid down by law. The State shall respect the right of parents or those representing them to provide the type of education they prefer for their children.

18. The Right to protection against arbitrary discrimination in the provisions and the application of the law because of race, religion or any other reason.

Article II

The rights and duties agreed upon in this Declaration shall be incorporated in the constitutional law of each Member State and shall not be abrogated.

Article III

Aliens in each State shall enjoy, within the limits laid down in national legislation, the same rights as nationals, with the exception of the political rights and guarantees established solely in favour of such nationals.
