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**DEMOCRATIC DEVELOPMENT:
SELECTED INTERNATIONAL
DOCUMENTS**

**DEVELOPPEMENT DEMOCRATIQUE:
UNE LISTE SELECTIVE DES
INSTRUMENTS INTERNATIONALS**

**WILLSON HOUSE, MEECH LAKE
MAISON WILLSON, LAC MEECH**

MARCH 21-22, 1991

21-22 MARS 1991

External Affairs and
International Trade Canada

Affaires extérieures et
Commerce extérieur Canada

Canada

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Min. des Affaires extérieures

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UNITED NATIONS

1. International Covenant on Civil and Political Rights
(16 December 1966)
2. Optional Protocol to the International Covenant on
Civil and Political Rights (16 December 1966)

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

3. International Covenant on Civil and Political rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I*Article 1*

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II*Article 2*

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

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

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide

without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security

otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

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

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to

such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

absolute majority of the votes of the representatives of the States Parties and voting.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - (a) Twelve members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party.

Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of

this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being

bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

4. Optional Protocol to the International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 9

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under article 8;
- (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
- (c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

B. THE PROCLAMATION OF TEHERAN

5. Proclamation of Teheran

*Proclaimed by the International Conference on Human Rights at Teheran
on 13 May 1968*

The International Conference on Human Rights,

Having met at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future,

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Bearing in mind the resolutions adopted by the Conference,

Noting that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change,

Having regard to the new opportunities made available by the rapid progress of science and technology,

Believing that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before,

Recognizing that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms,

Solemnly proclaims that:

1. It is imperative that the members of the international community fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions;

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and

ORGANIZATION OF AMERICAN STATES (OAS)

1. American Convention on Human Rights (1969). Note particularly Articles 12-16 and 23 which address democratic rights. Part II outlines provisions for two competent organs, Inter-American Commission on Human Rights and Inter-American Court of Human Rights.
2. List of signatory countries and ratifications of American convention on Human Rights (revised 21 August 1990).
3. Resolution adopted at the OAS General Assembly proposing the creation of a Unit for Democratic Development (08 June 1990) and the Executive Order of the the OAS Secretary-General establishing the Unit (15 October 1990).
4. Excerpts from the OAS Charter (preamble, purposes, principles), highlighting representative democracy as "indispensable condition for the stability, peace and development of the region".

CHARTER OF THE
ORGANIZATION OF AMERICAN STATES*

IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Convinced that representative democracy is an indispensable condition for the stability, peace and development of the region.

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held in Mexico City,

HAVE AGREED
upon the following

*Signed in Bogotá in 1948 and amended by the Protocol of Buenos Aires in 1967 and by the Protocol of Cartagena de Indias in 1985. In force as of November 16, 1988.

CHARTER
OF THE ORGANIZATION OF AMERICAN STATES

PART ONE

Chapter I

NATURE AND PURPOSES

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

The Organization of American States has no powers other than those expressly conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States.

Article 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

- a) To strengthen the peace and security of the continent;
- b) To promote and consolidate representative democracy, with due respect for the principle of nonintervention;
- c) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- d) To provide for common action on the part of those States in the event of aggression;
- e) To seek the solution of political, juridical, and economic problems that may arise among them;
- f) To promote, by cooperative action, their economic, social, and cultural development; and
- g) To achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States.

Chapter II

PRINCIPLES

Article 3

The American States reaffirm the following principles:

- a) International law is the standard of conduct of States in their reciprocal relations;
- b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;
- c) Good faith shall govern the relations between States;
- d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;
- e) Every State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems;
- f) The American States condemn war of aggression: victory does not give rights;
- g) An act of aggression against one American State is an act of aggression against all the other American States;
- h) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;
- i) Social justice and social security are bases of lasting peace;
- j) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;
- k) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;
- l) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;
- m) The education of peoples should be directed toward justice, freedom, and peace.

AMERICAN CONVENTION ON HUMAN RIGHTS

Signed at the Inter-American Specialized Conference
on Human Rights, San José, Costa Rica, 22 November 1969

Preamble

The American states signatory to the present Convention,

Reaffirming their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope;

Reiterating that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Have agreed upon the following:

PART I - STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I - GENERAL OBLIGATIONS

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal Effects

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II - CIVIL AND POLITICAL RIGHTS

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the

crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.

3. The death penalty shall not be reestablished in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

3. Punishment shall not be extended to any person other than the criminal.

4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Article 6. Freedom from Slavery

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labor:

- a. work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;
- b. military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;
- c. service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or
- d. work or service that forms part of normal civic obligations.

Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.
2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.
3. No one shall be subject to arbitrary arrest or imprisonment.
4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.
5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without

prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support.

Article 8. Right to a Fair Trial

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees:

- a. the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;
- b. prior notification in detail to the accused of the charges against him;
- c. adequate time and means for the preparation of his defense;
- d. the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;
- e. the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the

accused does not defend himself personally or engage his own counsel within the time period established by law;

- f. the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;
 - g. the right not to be compelled to be a witness against himself or to plead guilty; and
 - h. the right to appeal the judgment to a higher court.
3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.
4. An accused person acquitted by a nonappealable judgment shall not be subjected to a new trial for the same cause.
5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

Article 9. Freedom from Ex Post Facto Laws

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

Article 10. Right to Compensation

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

Article 11. Right to Privacy

- 1. Everyone has the right to have his honor respected and his dignity recognized.
- 2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or attacks.

Article 12. Freedom of Conscience
and Religion

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.

2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.

4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

Article 13. Freedom of Thought and
Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

- a. respect for the rights or reputations of others; or
- b. the protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the

dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Article 14. Right of Reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

Article 15. Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others.

Article 16. Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic

2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.

3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

Article 21. Right to Property

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.

3. Usury and any other form of exploitation of man by man shall be prohibited by law.

Article 22. Freedom of Movement and Residence

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.

2. Every person has the right to leave any country freely, including his own.

3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.

4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.

5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.

6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.

7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and

society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 17. Rights of the Family

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 19. Rights of the Child

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

Article 20. Right to Nationality

1. Every person has the right to a nationality.

international conventions, in the event he is being pursued for political offenses or related common crimes.

8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.

9. The collective expulsion of aliens is prohibited.

Article 23. Right to Participate
in Government

1. Every citizen shall enjoy the following rights and opportunities:

- a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
- c. to have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 25. Right to Judicial Protection

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

- a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
- b. to develop the possibilities of judicial remedy; and
- c. to ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III - ECONOMIC, SOCIAL, AND
AND CULTURAL RIGHTS

Article 26. Progressive Development

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV - SUSPENSION OF GUARANTEES,
INTERPRETATION, AND APPLICATION

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.

2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from Ex Post Facto Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights

of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.

3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

Article 28. Federal Clause

1. Where a State Party is constituted as a federal state, the national government of such State Party shall implement all the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention.

3. Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

Article 29. Restrictions Regarding Interpretation

No provision of this Convention shall be interpreted as:

- a. permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;
- b. restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;
- c. precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or

- d. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

Article 30. Scope of Restrictions

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

Article 31. Recognition of Other Rights

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V - PERSONAL RESPONSIBILITIES

Article 32. Relationship between
Duties and Rights

1. Every person has responsibilities to his family, his community, and mankind.
2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

PART II - MEANS OF PROTECTION

CHAPTER VI - COMPETENT ORGANS

Article 33

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

- a. the Inter-American Commission on Human Rights, referred to as "The Commission;" and
- b. the Inter-American Court of Human Rights, referred to as "The Court."

CHAPTER VII - INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS

Section 1. Organization

Article 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

Article 35

The Commission shall represent all the member countries of the Organization of American States.

Article 36

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.

2. Each of these governments may propose up to three candidates, who may be nationals of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 37

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.

2. No two nationals of the same state may be members of the Commission.

Article 38

Vacancies that may occur on the Commission for reasons other than the normal expiration of term shall be filled by the Permanent Council of the Organization in accordance with the provisions of the Statute of the Commission.

Article 39

The Commission shall prepare its Statute, which it shall submit to the General Assembly for approval. It shall establish its own Regulations.

Article 40

Secretariat services for the Commission shall be furnished by the appropriate specialized unit of the General Secretariat of the Organization. This unit shall be provided with the resources required to accomplish the tasks assigned to it by the Commission.

Section 2. Functions

Article 41

The main function of the Commission shall be to promote respect for and defense of human rights. In the exercise of its mandate, it shall have the following functions and powers:

- a. to develop an awareness of human rights among the peoples of America;
- b. to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;
- c. to prepare such studies or reports as it considers advisable in the performance of its duties;
- d. to request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights;
- e. to respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;
- f. to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention; and

- g. to submit an annual report to the General Assembly of the Organization of American States.

Article 42

The States Parties shall transmit to the Commission a copy of each of the reports and studies that they submit annually to the Executive Committees of the Inter-American Economic and Social Council and the Inter-American Council for Education, Science, and Culture, in their respective fields, so that the Commission may watch over the promotion of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

Article 43

The States Parties undertake to provide the Commission with such information as it may request of them as to the manner in which their domestic law ensures the effective application of any provisions of this Convention.

Section 3. Competence

Article 44

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

Article 45

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention, or at any later time, declare that it recognizes the competence of the Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.

2. Communications presented by virtue of this article may be admitted and examined only if they are presented by a State Party that has made a declaration recognizing the aforementioned competence of the Commission. The Commission shall not admit any communication against a State Party that has not made such a declaration.

3. A declaration concerning recognition of competence may be made to be valid for an indefinite time, for a specified period, or for a specific case.

4. Declarations shall be deposited with the General Secretariat of the Organization of American States, which shall transmit copies thereof to the member states of that Organization.

Article 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:

- a. that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law;
- b. that the petition or communication is lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment;
- c. that the subject of the petition or communication is not pending in another international proceeding for settlement; and
- d. that, in the case of Article 44, the petition contains the name, nationality, profession, domicile, and signature of the person or persons or of the legal representative of the entity lodging the petition.

2. The provisions of paragraphs 1.a and 1.b of this article shall not be applicable when:

- a. the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;
- b. the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or
- c. there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

Article 47

The Commission shall consider inadmissible any petition or communication submitted under Articles 44 or 45 if:

- a. any of the requirements indicated in Article 46 has not been met;
- b. the petition or communication does not state facts that tend to establish a violation of the rights guaranteed by this Convention;
- c. the statements of the petitioner or of the state indicate that the petition or communication is manifestly groundless or obviously out of order; or
- d. the petition or communication is substantially the same as one previously studied by the Commission or by another international organization.

Section 4. Procedure

Article 48

1. When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows:
 - a. If it considers the petition or communication admissible, it shall request information from the government of the state indicated as being responsible for the alleged violations and shall furnish that government a transcript of the pertinent portions of the petition or communication. This information shall be submitted within a reasonable period to be determined by the Commission in accordance with the circumstances of each case.
 - b. After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.
 - c. The Commission may also declare the petition or communication inadmissible or out of order on the basis of information or evidence subsequently received.
 - d. If the record has not been closed, the Commission shall, with the knowledge of the parties, examine the matter set forth in the petition or communication in order to verify the facts.

If necessary and advisable, the Commission shall carry out an investigation, for the effective conduct of which it shall request, and the states concerned shall furnish to it, all necessary facilities.

- e. The Commission may request the states concerned to furnish any pertinent information and, if so requested, shall hear oral statements or receive written statements from the parties concerned.
- f. The Commission shall place itself at the disposal of the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.

2. However, in serious and urgent cases, only the presentation of a petition or communication that fulfills all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an investigation with the prior consent of the state in whose territory a violation has allegedly been committed.

Article 49

If a friendly settlement has been reached in accordance with paragraph 1.f of Article 48, the Commission shall draw up a report, which shall be transmitted to the petitioner and to the States Parties to this Convention, and shall then be communicated to the Secretary General of the Organization of American States for publication. This report shall contain a brief statement of the facts and of the solution reached. If any party in the case so requests, the fullest possible information shall be provided to it.

Article 50

1. If a settlement is not reached, the Commission shall, within the time limit established by its Statute, draw up a report setting forth the facts and stating its conclusions. If the report, in whole or in part, does not represent the unanimous agreement of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with paragraph 1.e of Article 48 shall also be attached to the report.

2. The report shall be transmitted to the states concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Commission may make such proposals and recommendations as it sees fit.

Article 51

1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

2. Where appropriate, the Commission shall make pertinent recommendations and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined.

3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members whether the state has taken adequate measures and whether to publish its report.

CHAPTER VIII - INTER-AMERICAN COURT
OF HUMAN RIGHTS

Section 1. Organization

Article 52

1. The Court shall consist of seven judges, nationals of the member states of the Organization, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates.

2. No two judges may be nationals of the same state.

Article 53

1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, in the General Assembly of the Organization, from a panel of candidates proposed by those states.

2. Each of the States Parties may propose up to three candidates, nationals of the state that proposes them or of any other member state

of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 54

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. The term of three of the judges chosen in the first election shall expire at the end of three years. Immediately after the election, the names of the three judges shall be determined by lot in the General Assembly.

2. A judge elected to replace a judge whose term has not expired shall complete the term of the latter.

3. The judges shall continue in office until the expiration of their term. However, they shall continue to serve with regard to cases that they have begun to hear and that are still pending, for which purposes they shall not be replaced by the newly elected judges.

Article 55

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.

2. If one of the judges called upon to hear a case should be a national of one of the States Parties to the case, any other State Party in the case may appoint a person of its choice to serve on the Court as an ad hoc judge.

3. If among the judges called upon to hear a case none is a national of any of the States Parties to the case, each of the latter may appoint an ad hoc judge.

4. An ad hoc judge shall possess the qualifications indicated in Article 52.

5. If several States Parties to the Convention should have the same interest in a case, they shall be considered as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

Article 56

Five judges shall constitute a quorum for the transaction of business by the Court.

Article 57

The Commission shall appear in all cases before the Court.

Article 58

1. The Court shall have its seat at the place determined by the States Parties to the Convention in the General Assembly of the Organization; however, it may convene in the territory of any member state of the Organization of American States when a majority of the Court considers it desirable, and with the prior consent of the state concerned. The seat of the Court may be changed by the States Parties to the Convention in the General Assembly by a two-thirds vote.

2. The Court shall appoint its own Secretary.

3. The Secretary shall have his office at the place where the Court has its seat and shall attend the meetings that the Court may hold away from its seat.

Article 59

The Court shall establish its Secretariat, which shall function under the direction of the Secretary of the Court, in accordance with the administrative standards of the General Secretariat of the Organization in all respects not incompatible with the independence of the Court. The staff of the Court's Secretariat shall be appointed by the Secretary General of the Organization, in consultation with the Secretary of the Court.

Article 60

The Court shall draw up its Statute which it shall submit to the General Assembly for approval. It shall adopt its own Rules of Procedure.

Section 2. Jurisdiction and Functions

Article 61

1. Only the States Parties and the Commission shall have the right to submit a case to the Court.

2. In order for the Court to hear a case, it is necessary that the procedures set forth in Articles 48 and 50 shall have been completed.

Article 62

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.

2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.

3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

Article 63

1. If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.

2. In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

Article 64

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.

2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

Article 65

To each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations.

Section 3. Procedure

Article 66

1. Reasons shall be given for the judgment of the Court.
2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to have his dissenting or separate opinion attached to the judgment.

Article 67

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

Article 68

1. The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.
2. That part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the state.

Article 69

The parties to the case shall be notified of the judgment of the Court and it shall be transmitted to the States Parties to the Convention.

CHAPTER IX - COMMON PROVISIONS

Article 70

1. The judges of the Court and the members of the Commission shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents in accordance with international law. During the exercise of their official function they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.

2. At no time shall the judges of the Court or the members of the Commission be held liable for any decisions or opinions issued in the exercise of their functions.

Article 71

The position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes.

Article 72

The judges of the Court and the members of the Commission shall receive emoluments and travel allowances in the form and under the conditions set forth in their statutes, with due regard for the importance and independence of their office. Such emoluments and travel allowances shall be determined in the budget of the Organization of American States, which shall also include the expenses of the Court and its Secretariat. To this end, the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.

Article 73

The General Assembly may, only at the request of the Commission or the Court, as the case may be, determine sanctions to be applied against members of the Commission or judges of the Court when there are justifiable grounds for such action as set forth in the respective statutes. A vote of a two-thirds majority of the member states of the Organization shall be required for a decision in the case of members of the Commission and, in the case of judges of the Court, a two-thirds majority vote of the States Parties to the Convention shall also be required.

PART III - GENERAL AND TRANSITORY PROVISIONS

CHAPTER X - SIGNATURE, RATIFICATION, RESERVATIONS, AMENDMENTS, PROTOCOLS, AND DENUNCIATION

Article 74

1. This Convention shall be open for signature and ratification by or adherence of any member state of the Organization of American States.

2. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence.

3. The Secretary General shall inform all member states of the Organization of the entry into force of the Convention.

Article 75

This Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Article 76

1. Proposals to amend this Convention may be submitted to the General Assembly for the action it deems appropriate by any State Party directly, and by the Commission or the Court through the Secretary General.

2. Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

Article 77

1. In accordance with Article 31, any State Party and the Commission may submit proposed protocols to this Convention for

consideration by the States Parties at the General Assembly with a view to gradually including other rights and freedoms within its system of protection.

2. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.

Article 78

1. The States Parties may denounce this Convention at the expiration of a five-year period from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

2. Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

CHAPTER XI - TRANSITORY PROVISIONS

Section 1. Inter-American Commission on Human Rights

Article 79

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each member state of the Organization to present, within ninety days, its candidates for membership on the Inter-American Commission on Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented, and transmit it to the member states of the Organization at least thirty days prior to the next session of the General Assembly.

Article 80

The members of the Commission shall be elected by secret ballot of the General Assembly from the list of candidates referred to in Article 79. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the member states shall be declared elected. Should it become necessary to have several ballots in order to elect all the members of the Commission, the

candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the General Assembly.

Section 2. Inter-American Court of Human Rights

Article 81

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each State Party to present, within ninety days, its candidates for membership on the Inter-American Court of Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented and transmit it to the States Parties at least thirty days prior to the next session of the General Assembly.

Article 82

The judges of the Court shall be elected from the list of candidates referred to in Article 81, by secret ballot of the States Parties to the Convention in the General Assembly. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties shall be declared elected. Should it become necessary to have several ballots in order to elect all the judges of the Court, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the States Parties.

ORGANIZATION OF AMERICAN STATES



Rev. 21 August 1990

B-32. AMERICAN CONVENTION ON HUMAN RIGHTS "PACT OF SAN JOSE, COSTA RICA"

Signed at San Jose, Costa Rica, November 22, 1969, at the
Inter-American Specialized Conference on
Human Rights

ENTRY INTO FORCE: 18 July 1978, in accordance with Article 74.2 of
the Convention.
DEPOSITORY: OAS General Secretariat (Original instrument and
ratifications).
TEXT: OAS, Treaty Series, No. 36.
UN REGISTRATION: 27 August 1979, No. 17955.

SIGNATORY COUNTRIES

DEPOSIT OF RATIFICATION

1/	Argentina	5 September 1984	a/
<u>2/</u>	Barbados	27 November 1982	b/
	Bolivia	19 July 1979	c/
<u>3/</u>	Chile	21 August 1990	q/
	Colombia	31 July 1973	n/
	Costa Rica	8 April 1970	d/
<u>4/</u>	Dominican Republic	19 April 1978	
<u>5/</u>	Ecuador	28 December 1977	e/
	El Salvador	23 June 1978	f/
<u>6/</u>	Grenada	18 July 1978	
	Guatemala	25 May 1978	g/
	Haiti	27 September 1977	c/
	Honduras	8 September 1977	h/
<u>7/</u>	Jamaica	7 August 1978	i/
	Mexico	3 April 1982	c/ . 1/
	Nicaragua	25 September 1979	
	Panama	22 June 1978	p/
	Paraguay	24 August 1989	
<u>8/</u>	Peru	28 July 1978	k/
	Suriname	12 November 1987	o/
<u>9/</u>	United States		
<u>10/</u>	Uruguay	19 April 1985	l/
	Venezuela	9 August 1977	m/

All States listed herein signed the Convention on 22 November 1969, with exception of those indicated in the notes.

p. Panama:

On May 9, 1990, presented at the General Secretariat of the OAS, an instrument, dated February 20, 1990, by which it declares that the Government of the Republic of Panama recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the American Convention on Human Rights.

q. Chile:

(Reservations made at the time of ratification)

a. The Government of Chile declares that it recognizes, for an indefinite period of time and on the condition of reciprocity, the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights established in the American Convention on Human Rights, as provided for in Article 45 of the Convention.

b. The Government of Chile declares that it recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the Convention in accordance with its Article 62.

In making these declarations, the Government of Chile places on record that this recognition of the competence and jurisdiction of the Commission applies to events subsequent to the date of deposit of this Instrument of Ratification or, in any case, to events which began subsequent to March 11, 1990. Moreover, in acknowledging the competence and jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the Government of Chile declares that, when these bodies apply the provisions of Article 21.2 of the Convention, they may not make statements concerning the reasons of public utility or social interest taken into account in depriving a person of his property.

TWENTIETH REGULAR SESSION
June 4, 1990
Asuncion, Paraguay

OEA/Ser.P
AG/doc.2647/90 Rev. 1
8 June 1990
Original: Spanish

UNIT FOR DEMOCRATIC DEVELOPMENT

(Resolution adopted at the eighth plenary session
held on June 8, 1990)

THE GENERAL ASSEMBLY,

RECALLING:

The preamble of the Charter of the Organization of American States, which states that "representative democracy is an indispensable condition for the stability, peace and development of the region",

TAKING INTO ACCOUNT:

That one of the essential purposes of the the Organization is to "promote and consolidate representative democracy, with due respect for the principle of nonintervention";

That further, one of the principles of the Charter reaffirms that "[E]very State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems";

That according to Article 16 of the Charter each State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

RECOGNIZING:

That in the context of representative democracy, there is no political system or electoral method that is equally appropriate for all nations and their peoples and that the efforts of the international community to shore up effectiveness of the principle of holding genuine and periodic elections should not cast any doubt on the sovereign right of each State to elect and develop their political, social and cultural systems freely, whether or not they are to the liking of other States,

CONSIDERING:

The recommendation regarding the implementation and development of AG/RES. 940 (XVIII-0/88), adopted by the General Assembly at its eighteenth regular session, to maintain unwavering support for democratic processes in the hemisphere and to accelerate and augment its efforts towards achieving the integrated development of the countries of the region, in view of the close relationship between socio-economic development and democracy, of which the Organization is an indispensable mainstay;

RECALLING:

The adoption of resolution AG/RES. 993 (XIX-0/89) supporting the Secretary General's efforts to respond to requests from a member state for assistance in observing its electoral process;

WELCOMING:

The decision taken by member states to support and strengthen genuinely democratic and participatory systems through full respect for all human rights; particularly the holding of free and fair elections, which respect

the rights to freedom of speech and assembly and the will of the people, as noted in resolution AG/RES. 991 (XIX-0/89):

NOTING WITH APPRECIATION:

The effective manner in which the Secretary General and member states responded to the invitation extended by the Government of Nicaragua in organizing a group of international observers to monitor the elections which took place in that country on February 25, 1990 and the important role which they played in the realization of a peaceful and fair electoral process, and also, the process of cooperation initiated between the Republic of Haiti and the Organization of American States in the framework of the organization of upcoming general elections, a decisive stage towards the establishment of representative democracy in that country,

RECOGNIZING:

The significant role which the Organization of American States can play in supporting and assisting member states in their efforts to renew, preserve or strengthen democratic institutions and processes by serving as a forum for the exchange of information and expertise,

RESOLVES:

1. To request the Secretary General to establish within the General Secretariat a Unit for Democratic Development.
2. That such a Unit would provide a program of support for democratic development, which can respond promptly and effectively to member states, which in the full exercise of their sovereignty request advice or assistance to preserve or strengthen their political institutions, and democratic procedures.

3. To request the Secretary General to develop a proposal for such a program, in consultation with the Permanent Council.

4. To this end, member states agree to extend their full cooperation to the Secretary General to assist him in determining the types of assistance or services such a facility might provide. These could include, inter alia:

- facilitating the exchange of information and expertise by means of seminars and training programs;
- developing an inventory of individuals and institutions specializing in political studies on democratic systems and institutions;
- the development of standards and procedures for organizing electoral observer missions;
- coordination with other multilateral organizations concerned with these matters;
- encouraging dialogue on democratic principles and values within the hemisphere;

5. To agree that the provision of such assistance will be based on the following principles:

- that the kinds of services to be rendered to any member state shall be determined by the requesting Government in consultation with the Secretary General, and with due respect for the principle of nonintervention;
- that the amount of assistance and the conditions under which it is to be rendered will be decided by the Secretary General with due regard for the availability of resources;

that as far as possible, such services will be financed and staffed from existing resources, projects and/or special contributions or assessments.

6. To ask the Secretary General to inform the Permanent Council within six months on his progress in implementing this resolution and to report to the General Assembly at its next regular session.

ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.

THE SECRETARY GENERAL

November 1, 1990

Excellency:

Pursuant to the provisions of resolution AG/RES.1063 (XX-O/90) of the General Assembly, I am pleased to attach herewith the proposal for the work plan of the Unit for Democratic Development, as the first step in the consultation required under that resolution. For your information and that of the Permanent Council, I also enclose herewith a copy of the Executive Order creating the Unit, which will be part of the organizational structure of the General Secretariat.

Accept, Excellency, the renewed assurances of my highest consideration.

João Clemente Baena Soares
Secretary General

His Excellency
Ambassador Juan Pablo Lohlé
Permanent Representative of the Argentine Republic
Chairman of the Permanent Council of the
Organization of American States
Washington, D.C.

GENERAL SECRETARIAT
EXECUTIVE ORDER No. 90-3

SUBJECT: UNIT FOR DEMOCRATIC DEVELOPMENT

THE SECRETARY GENERAL,

In exercise of the powers conferred upon him by articles 114 and 118 of the Charter and articles 4, 8, and 11 of the General Standards to Govern the Operations of the General Secretariat of the Organization of American States, and

CONSIDERING:

That, by resolution AG/RES.1063/90, the General Assembly requested the Secretary General to establish within the General Secretariat a Unit for Democratic Development.

That the number of personnel will not be increased nor additional budgetary cost incurred to accomplish this end, at this moment.

RESOLVES:

1. To create a Unit for Democratic Development which will have the functions and responsibilities established in this Executive Order.

2. To assign the personnel of the Advisory Group to the Unit for Democratic Development under the administrative direction of the Secretary General.

I. RESPONSIBILITIES

1. Provide a program of support for democratic development, which can respond promptly and effectively to member states which in the full exercise of their sovereignty request advice or assistance to preserve or strengthen their political institutions and democratic procedures.

2. Function as sole program for democratic development for the General Secretariat.

3. Cooperate with the governments and institutions of the member states in holding seminars and training programs in the area of democratic development.

4. Encourage dialogue on democratic principles and values within the hemisphere.

II. FUNCTIONS


1. Advise the Secretary General on matters related to the work of the Unit.
2. Coordinate the relations of the Unit with other areas of the General Secretariat.
3. Coordinate with other multilateral organizations, and government and private institutions activities, and missions concerned with democratic development.
4. Develop inventories and data banks of individuals and institutions specializing in political studies on democratic systems and institutions as well as human and material resources for carrying out missions, training, and other activities.
5. Develop standards and procedures for organizing electoral observation missions.
6. Plan, and coordinate electoral observer missions.
7. Plan, and coordinate courses, seminars, round tables and training programs to facilitate the exchange of information and expertise in order to strengthen political institutions and democratic procedures in the member states.
8. Respond to inquiries and requests for information in the area of democratic development posed by the governing bodies and member states of the Organization.

III. AMENDMENTS AND REPEALS

This Executive Order supersedes all present norms, regulations and practices of the General Secretariat to the contrary.

IV. EFFECT

This Executive Order shall take effect on the date on which it is signed.


João Clemente Baena Soares
Secretary General

Date: October 15, 1990
Original: English

LA FRANCOPHONIE

1. Fiche de Project Canadien: Unité de Travail Sur la Promotion des droits de la personne et de la démocratie.

FICHE DE PROJET

UNITÉ DE TRAVAIL SUR LA PROMOTION DES DROITS DE LA PERSONNE ET DE LA DÉMOCRATIE

OBJECTIFS PRINCIPAUX:

- Favoriser la mise en place de services consultatifs visant la promotion des droits de la personne au sein des États de la Communauté francophone.
- Faciliter, pour les États qui en font la demande, l'obtention d'une expertise-conseil visant la mise en place ou l'amélioration d'institutions, règles de fonctionnement, procédures, législations étatiques et textes constitutionnels adaptés aux exigences du processus démocratique.
- Procéder à des consultations avec les services oeuvrant, au sein organismes étatiques multilatéraux, à la promotion des droits de la personne et du processus démocratique afin d'enrichir l'expertise à la disposition de l'unité de travail et de rationaliser ses interventions.
- Collaborer avec les institutions et organismes non-étatiques de la Communauté francophone à la promotion des droits de la personne et de la démocratie.

ACTIVITÉS:

- Création et actualisation d'une banque de données informatisée et d'un service de documentation sur:
 - a) les institutions et organismes gouvernementaux et non gouvernementaux, au sein des pays de la Communauté francophone, de promotion des droits de la personne et de la démocratie;
 - b) les institutions et programmes au sein d'organismes multilatéraux oeuvrant dans ce domaine (Centre des droits de l'homme des Nations Unies, PNUD, UNESCO, Conseil de l'Europe, CSCE, OUA, Commonwealth, OEA), ainsi que, éventuellement, leurs activités dans des pays de la Francophonie;

c) les individus, organismes et institutions (au niveau multilatéral et dans les pays membres de la Communauté francophone) offrant des services-conseils en matière de promotion des droits de la personne et de la démocratie.

- Réception des informations et des demandes d'aide provenant des États. Transmission aux autres États de la Communauté francophone desdites demandes d'aide. À la requête des États, soumission des recommandations de l'unité sur lesdites demandes.

- Transmission aux États demandeurs des données disponibles sur les services-conseils.

- Consultation et coopération avec les responsables des institutions multilatérales oeuvrant à la promotion des droits de la personne et de la démocratie sur les programmes et activités de ces dernières dans ce domaine.

- Collaboration avec les institutions et organismes non gouvernementaux de la Communauté francophone dans la promotion des droits de la personne et de la démocratie au sein de la Francophonie.

- À la requête des chefs d'État et de gouvernement de la Communauté francophone ou à celle de l'ACCT, organisation de rencontres, séminaires de formation ou colloques sur les droits de la personne ou sur la promotion de la démocratie.

- Publication d'un feuillet d'informations semestriel sur les activités de l'unité de travail et sur les requêtes des États.

- Toute autre activité recommandée par la Conférence des chefs d'État et de gouvernement de la Communauté francophone ou par l'ACCT.

COMPOSITION DE L'UNITÉ DE TRAVAIL:

L'unité de travail, placée au sein de la Délégation de coopération juridique et judiciaire de l'ACCT, devrait initialement être composée d'un ou d'une responsable de l'unité et d'un ou d'une secrétaire/documentaliste/réceptionniste. L'unité doit fonctionner indépendamment du reste de la Délégation.

Le ou la responsable de l'unité doit posséder une expérience de travail dans la promotion des droits de la personne ou du développement démocratique au sein d'une administration gouvernementale, d'une institution (gouvernementale, para-gouvernementale ou universitaire) ou d'un organisme de grande réputation. Idéalement, cette expérience de

travail devrait porter sur la promotion des droits de la personne et de la démocratie au niveau international.

Le ou la responsable ainsi que le ou la documentaliste pourraient être en détachement d'un gouvernement.

Le ou la responsable de l'unité devrait avoir le pouvoir de procéder à l'engagement d'un ou plus d'un contractuels, selon le besoin, pour l'exécution d'activités de l'unité.

En plus de l'espace alloué aux responsable de l'unité de travail et secrétaire/documentaliste/réceptionniste, l'unité devrait disposer de locaux permettant d'abriter un petit centre de documentation/banque de données.



L'honorable The Honourable

Marcel Masse

FEB 3 1991

Monsieur Jean-Louis Roy
Secrétaire général
Agence de Coopération culturelle
et technique (ACCT)
13, quai André Citroën
75015 Paris

Objet: Projet "d'unité des droits de
la personne" au sein de l'ACCT

Monsieur le Secrétaire général,

Il me fait plaisir de reprendre contact avec vous pour vous faire part d'une question fondamentale de la politique canadienne qui doit trouver son application dans le cadre de la "coopération juridique et judiciaire" des Sommets et, plus particulièrement, s'adjoindre administrativement à la "délégation à la coopération juridique" de l'ACCT.

Cette idée "d'unité des droits de la personne" au sein de l'ACCT n'est pas nouvelle. Nos représentants l'ont promue et défendue à plusieurs reprises déjà lors des Comités d'experts dont celui d'octobre dernier. Bien que l'idée ait semblé largement partagée par nos partenaires à ces différentes occasions, tant les procès-verbaux que les fiches de projets ne semblent refléter que très partiellement les préoccupations qu'avaient alors paru faire l'objet d'un consensus. Il doit être parfaitement clair que le Canada attache la plus haute importance à la mise sur pied rapide de cette "unité", qui se voudra la germe de l'initiative majeure qu'entend prendre le Canada au prochain Sommet.

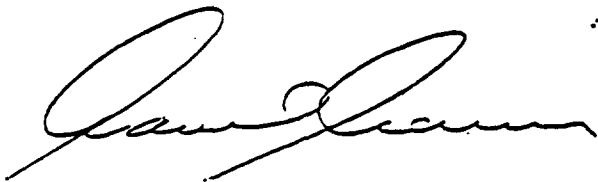
Cette "unité de promotion des droits de la personne", décrite dans la fiche de projet en annexe, a pour but de répondre aux demandes d'information que lui présenteront les États intéressés. Aussi doit-il être bien compris que cette entité aurait pour rôle la promotion des droits de la personne et de la démocratie, et que son action serait axée sur l'échange d'informations, la coordination et la mise en rapport des institutions les unes avec les autres. Le Canada croit fermement que la conjoncture politique actuelle invite la communauté francophone à dépasser, s'agissant de la coopération juridique et judiciaire, les programmes par trop modestes à ce jour et à institutionaliser, au sein de l'ACCT, une antenne qui sera la preuve tangible de l'intérêt de la Francophonie pour ces questions.

Quant à la mise en place matérielle de cette unité, qui pourrait s'installer au sein de la "délégation à la coopération juridique et judiciaire", nous voudrions vous suggérer qu'elle puisse, sous votre autorité, jouir d'une certaine autonomie par rapport aux autres programmes de coopération juridique. Elle pourrait être dotée d'un expert, mis à sa disposition pour une période de six mois, qui aurait pour tâche de la mettre en place et de faire la preuve, d'ici le prochain Sommet, de l'utilité et de l'adéquation de celle-ci. Nous croyons que cette personne devrait avoir le profil et l'expérience des organismes multilatéraux, en plus, bien sûr, de compétences vérifiées en matière de droits de la personne.

Pour assurer financièrement le démarrage de cette expérience de six mois qui nous conduira au prochain Sommet, le Canada retiendra 100,000 dollars des 200 mille annoncés pour ce secteur et permettra l'utilisation de la moitié du solde au profit des programmes de documentation déjà arrêtés, alors que l'on pourra affecter l'autre 50 mille dollars au financement du colloque sur l'état de droit.

Je sais pouvoir compter, monsieur le Secrétaire général, sur votre étroite collaboration pour la mise en oeuvre rapide de ce projet qui, vous n'en doutez pas, revêt pour le Canada une importance toute particulière. Le Comité d'experts d'avril prochain devrait être l'occasion de mettre la touche finale au lancement de ce projet qui, dans notre esprit, devrait pouvoir commencer dès le mois de mai prochain, de sorte qu'il puisse, au moment du prochain Sommet, faire valoir une expérience concluante d'au moins 6 mois.

Je vous prie d'agréer, monsieur le Secrétaire général, l'expression de mes sentiments distingués.



Marcel Masse

THE COMMONWEALTH

1. Communiqué - Commonwealth Head of Government Meeting, Kuala Lumpur, Malaysia 18-24 October, 1989. See section 7.
2. Draft proposal for the establishment of a Commonwealth Electoral Facility.



Commonwealth News Release

COMMONWEALTH HEADS OF GOVERNMENT
MEETING,
KUALA LUMPUR, MALAYSIA.
18 - 24 OCTOBER 1989

Communiqué

CONTENTS

The Langkawi Declaration on the Environment

Southern Africa: the Way Ahead: the Kuala Lumpur Statement


Commonwealth Functional Co-operation

Communiqué

1. Commonwealth Heads of Government met in Kuala Lumpur from 18 to 24 October 1989. Of the 46 countries which attended 35 were represented by Heads of State or Prime Ministers. The Prime Minister of Malaysia, Datuk Seri Dr. Mahathir Mohamad, was in the Chair.
2. Heads of Government sent a message of felicitation to Her Majesty The Queen as Head of the Commonwealth. They welcomed with great pleasure the opportunity of meeting in Kuala Lumpur and expressed deep appreciation of the excellent arrangements made for the Meeting and the warm welcome and generous hospitality of the Government and people of Malaysia.
3. Heads of Government issued separately the Langkawi Declaration on Environment and the Kuala Lumpur Statement on Southern Africa: The Way Ahead.
4. Heads of Government unanimously welcomed Pakistan's return to the Commonwealth family of nations as an auspicious development which would enrich their discussion and help strengthen Commonwealth collective action.

The Commonwealth in the 1990s and Beyond

5. At its 40th Anniversary Meeting at Kuala Lumpur all Commonwealth leaders expressed pride in the Commonwealth and appreciation for its contributions to peace, social justice and economic progress among its members and in the wider world. In looking ahead to the role of the Commonwealth in the 1990s and beyond, they recognised that the Commonwealth will continue to have a distinctive and enlarging role to play. They were conscious that in fulfilling its potential to its member countries and pursuing that role in a changing world society, the Commonwealth can derive confidence from its capacity to fashion a sense of common purpose out of diversity, its qualities of flexibility and pragmatism, and its wide-ranging network of linkages at the level of peoples. In an era of transition and change, the world had need of such attributes, and the Commonwealth a duty to harness them even more effectively to the global quest for new patterns of co-operation.
6. Accordingly, in looking more closely at the future of the Commonwealth as it faces the years ahead, Commonwealth leaders accepted the Secretary-General's proposal for a high-level group to identify possible roles which the Commonwealth might need to play, and to examine whether its institutions, including the Secretariat, are adequately equipped for the task. This wide-ranging appraisal of future Commonwealth roles and structures should be completed in time for a report to the next Heads of Government Meeting in 1991, with the new Secretary-General having a full opportunity of contributing to it.



7. Heads of Government also agreed that one area where the Commonwealth might usefully make a distinctive contribution is in the strengthening of democratic institutions in member countries. Heads of Government have long recognised a commitment to democratic processes as being among the values they most cherish. It was an ethic enshrined in the 1971 Singapore Declaration of Commonwealth Principles in which member countries undertook 'to promote in each of their territories those representative institutions and guarantees of personal freedom under the law that are our common heritage'. In reaffirming these principles and in reviewing the international political scene, Heads of Government agreed with the Secretary-General's proposal that one of the Commonwealth's contributions to strengthening democracy might be the provision of Commonwealth assistance in helping member countries to reinforce their election and other constitutional processes through a facility for mounting observer missions at the request of member governments, and in responding to such requests in other relevant ways. They requested that the modalities of such a facility and related assistance should be examined in greater detail by the high-level group on future Commonwealth roles.

8. They also requested that the group should consider the question of Commonwealth membership in the light of their discussions at Kuala Lumpur.

9. Commonwealth leaders agreed that the high-level appraisal group should comprise the Heads of Government of Australia, Bahamas, Britain, Canada, India, Jamaica, Malaysia, Nigeria, Singapore and Zambia. The Prime Minister of Malaysia would be Chairman and Co-ordinator of the Committee of Heads of Government. The high-level group would be assisted, particularly in relation to structures of Commonwealth co-operation, by a working group of experienced officials, or former officials, constituted by the Secretary-General after consultations with governments generally.

Global Trends and Prospects

10. Heads of Government welcomed the improved international political environment and the opportunity it provided for strengthening the trend towards achieving security through co-operation. They were encouraged that cold war and other confrontations were giving way to pragmatic negotiations and were hopeful that, in such an atmosphere of developing entente, a growing sense of trust between nations would foster creative international policies focusing on peace and development.

11. They recognised that the reduction in East-West tensions had stimulated significant changes in the international political environment, not only in respect of disarmament and arms limitation, but also in relation to the abatement of regional conflicts, the relaxation of long intractable situations, and the spread of democracy. In particular, they emphasised the important role of democratic processes in ensuring the freedom of choice for all peoples.

12. They observed that the improvement in the international political climate had come about as a result of initiatives and changes on a wide front and that therefore the responsibility for continuing and building on these achievements rested upon the whole world community, East and West and North and South. They noted that, while fundamental changes were taking place, the international community continued to face a range of major problems requiring global solutions.

DRAFT GUIDELINES FOR THE ESTABLISHMENT OF COMMONWEALTH GROUPS TO OBSERVE ELECTIONS IN MEMBER COUNTRIES

Introduction

In their discussions at Langkawi and Kuala Lumpur in October 1989, Heads of Government requested the High-Level Appraisal Group to examine the modalities of a facility for mounting election observer missions at the request of member governments. The Working Group of Experienced Officials which is assisting the Appraisal Group has now met and held discussions on this matter. In the light of Commonwealth experience in the past, and most recently in Malaysia, the Secretary-General undertook to prepare a set of the following guidelines which would serve as a basis for Commonwealth activities in the future in this area.

Establishing Commonwealth Observer Groups

2. The Commonwealth Secretary-General would consider establishing an independent group of appropriate size when he receives a formal request from a Commonwealth government for the Commonwealth to observe its own country's elections. Recognising the sensitivities and essential differences between constituting an observer mission for self-determination and decolonisation-related elections (as in Southern Rhodesia/Zimbabwe in 1980) and observing elections in an independent country, the Secretary-General in the latter cases would need to receive an express invitation from the government concerned and be assured directly by the political parties of their support. The agreed understandings and other organisational arrangements outlined in this paper would form the basis for an approach by the Secretary-General to member governments seeking material and other support for the proposed mission.

3. The electoral standards and procedures to be applied should be the subject of broad agreement among the parties wishing to contest the election. While consideration would need to be given to particular local customs, circumstances and traditions, these standards and procedures would have regard in particular to those laid down in relevant international instruments and be in accordance with fundamental Commonwealth beliefs and principles. In determining whether to accede to a particular request the Secretary-General would need to take into account whether the election process as a whole in that country was in general conformity with internationally-accepted norms, and that any differences were accepted by the parties.

4. Where the Commonwealth Secretary-General is asked to provide a Commonwealth observer group, consideration would have to be given as to whether, in the context of the presence of other groups which may also have been invited, the Commonwealth per se has a special role to play in the process.

Terms of Reference

5. The purpose of an observer group would be to say whether in its independent judgement the poll was free and fair. In recognition that it would be the wish of all concerned that the poll be free and fair, the observer group would be expected to reflect in its report and, where appropriate, bring to the attention of the appropriate authorities any matters which caused it concern. This latter function would be confined to a "good offices" role and the group would have no express or implied executive function. Its terms of reference should therefore be drawn broadly. They should reflect the fact that the group has to make a judgement as to whether, notwithstanding any particular difficulties, overall the process taken as a whole - the campaign together with registration of voters and the poll itself - has been such as to be likely to represent the wishes of the people.

6. To reflect the broad nature of this process and of the judgement ultimately to be made, the terms of reference should be drawn in general terms and read in conjunction with this paper. A possible formulation appears as Annex A. Use of similar terms of reference would have the advantage of both the government concerned and the various political parties knowing from the outset what the Commonwealth can offer. However drawn, the terms of reference should enable the observer group to take into account in its overall assessment the fairness of the registration process; the freedom of the parties to nominate candidates, to campaign, and to get their message across to the electorate; the freedom of parties to publish and distribute campaign literature in compliance with the general law of the land and the election law; where permits for rallies are necessary, whether these were granted or denied on a discriminatory basis; whether relevant officials were neutral as between the parties; whether the parties were permitted to satisfy themselves as to the integrity of the poll (e.g. to be represented at all times when the ballot box is unsealed; to inspect boxes as empty prior to the start of polling; to affix their own seals at relevant times and to inspect them subsequently; to be present at the count and to accompany boxes if they are transported for counting elsewhere); whether the act of voting was secret, and whether the ballot boxes, when not closed, were in the full view of the presiding officials and the party polling agents; whether voting took place in an atmosphere conducive to voting without intimidation; and whether the count was properly conducted.

Composition

7. The group would be appointed by the Commonwealth Secretary-General on an ad hoc basis and would comprise individuals of high standing and proven integrity whose considered opinions would be likely to carry weight. In determining its membership, the Secretary-General would have regard to the need for the group to be able to command the confidence and trust of all those participating in the elections. The precise size would depend on the size of the country where the poll was to be observed, both

geographically and in terms of its electorate. The minimum size of a group would be three. In addition, the group would be serviced by a small team, from the Commonwealth Secretariat (augmented from outside as may be necessary) which would provide logistical support and expert advice on such matters as the relevant electoral laws and the conduct of elections generally.

Modus Operandi

8. The Secretary-General would need to be assured from the outset that the members of the group would enjoy free and open access to polling places and counting stations and that it would be free generally to pursue its mandate. The group would, where possible, arrive in the country concerned before the conclusion of the election campaign. In some circumstances it might be desirable to be present for at least a part of the registration process and/or for the nomination of candidates. The group would remain until the count was concluded and the result announced. In the ordinary course of events a group might be in a country for up to two weeks (the final week of the campaign, the days of the poll and the period of the count). In accordance with international practice it would be open to the group, should it wish to do so, to make an interim announcement of its findings to date ahead of the count commencing (as recognised international practice suggests that this can prevent a group from being criticised subsequently for having allowed the results of the count to influence its judgement as to other events). The group would act in its own independent judgement and would not be representative of governments, either individually or collectively, or of the Secretary-General. The opinions expressed would be those of its members only. Members would serve in their individual capacities. The group would be asked to send its report initially to the Commonwealth Secretary-General and to the government of the country in question, and thereafter to the leaderships of the political parties taking part in the election. The Secretary-General would then transmit copies of the report to other Commonwealth governments in the usual way.

Financial

9. Funding of observer missions should be on a pan-Commonwealth basis rather than be the responsibility of the particular government concerned. The costs of observing an election would vary widely from country to country, and could be high, particularly where a large team of observers was necessary. Before agreeing to appoint a group, the Secretary-General would need to be satisfied that the likely costs of the exercise were covered in an appropriate manner and that there were no implications for the Secretariat's headquarter's budget.

Other Commonwealth Assistance

10. The Commonwealth, in addition to providing such observer groups, could also be prepared to respond positively to requests from individual governments for technical assistance in the organisation and conduct of elections, and, where needed, for the loan or gift of materials and equipment required for the administration of the poll.

Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1

December 1990

MODEL DRAFT TERMS OF REFERENCE

"The Group is established by the Commonwealth Secretary-General at the request of the government of supported by the political parties. It is to observe every relevant aspect of the organisation and conduct of the elections in accordance with the law of relating to elections. Its function is to ascertain whether, in its impartial judgement and in the context of that law, the elections have been free and fair.

The Group has no executive role; its function is neither to supervise nor act as a commission of inquiry but to observe the process as a whole and to form a judgement accordingly. It is to submit its report initially to the Secretary-General and to the government of, and thereafter to the leaderships of the political parties taking part in the election."

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

1. Document of the Copenhagen Meeting of the Conference of the Human Dimension of the CSCE (29 June 1990).
2. Charter of Paris for a New Europe (21 November 1990).

DOCUMENT

OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE

The representatives of the participating States of the Conference on Security and Co-operation in Europe (CSCE), Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia, met in Copenhagen from 5 to 29 June 1990, in accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE.

The representative of Albania attended the Copenhagen Meeting as observer.

The first Meeting of the Conference was held in Paris from 30 May to 23 June 1989.

The Copenhagen Meeting was opened and closed by the Minister for Foreign Affairs of Denmark.

The formal opening of the Copenhagen Meeting was attended by Her Majesty the Queen of Denmark and His Royal Highness the Prince Consort.

Opening statements were made by Ministers and Deputy Ministers of the participating States.

At a special meeting of the Ministers for Foreign Affairs of the participating States of the CSCE on 5 June 1990, convened on the invitation of the Minister for Foreign Affairs of Denmark, it was agreed to convene a Preparatory Committee in Vienna on 10 July 1990 to prepare a Summit Meeting in Paris of their Heads of State or Government.

The participating States welcome with great satisfaction the fundamental political changes that have occurred in Europe since the first Meeting of the Conference on the Human Dimension of the CSCE in Paris in 1989. They note that the CSCE process has contributed significantly to bringing about these changes and that these developments in turn have greatly advanced the implementation of the provisions of the Final Act and of the other CSCE documents.

They recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore welcome the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.

At the Copenhagen Meeting the participating States held a review of the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown a fundamental improvement since the Paris Meeting. They also expressed the view, however, that further steps are required for the full realization of their commitments relating to the human dimension.

The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe. They therefore reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

They recognize that co-operation among themselves, as well as the active involvement of persons, groups, organizations and institutions, will be essential to ensure continuing progress towards their shared objectives.

In order to strengthen respect for, and enjoyment of, human rights and fundamental freedoms, to develop human contacts and to resolve issues of a related humanitarian character, the participating States agree on the following:

I

- (1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.
- (2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.
- (3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.
- (4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.
- (5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:
 - (5.1) — free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;
 - (5.2) — a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;
 - (5.3) — the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;
 - (5.4) — a clear separation between the State and political parties; in particular, political parties will not be merged with the State;
 - (5.5) — the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;
 - (5.6) — military forces and the police will be under the control of, and accountable to, the civil authorities;
 - (5.7) — human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;
 - (5.8) — legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;

- (5.9) — all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;
- (5.10) — everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;
- (5.11) — administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;
- (5.12) — the independence of judges and the impartial operation of the public judicial service will be ensured;
- (5.13) — the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;
- (5.14) — the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;
- (5.15) — any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;
- (5.16) — in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- (5.17) — any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (5.18) — no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;
- (5.19) — everyone will be presumed innocent until proved guilty according to law;
- (5.20) — considering the important contribution of international instruments in the field of human rights to the rule of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so;
- (5.21) — in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.

- (6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.
- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will
- (7.1) — hold free elections at reasonable intervals, as established by law;
 - (7.2) — permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
 - (7.3) — guarantee universal and equal suffrage to adult citizens;
 - (7.4) — ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
 - (7.5) — respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
 - (7.6) — respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
 - (7.7) — ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
 - (7.8) — provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
 - (7.9) — ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

- (8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

II

- (9) The participating States reaffirm that
- (9.1) — everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;
- (9.2) — everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards;
- (9.3) — the right of association will be guaranteed. The right to form and — subject to the general right of a trade union to determine its own membership — freely to join a trade union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;
- (9.4) — everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;
- (9.5) — they will respect the right of everyone to leave any country, including his own, and to return to his country, consistent with a State's international obligations and CSCE commitments. Restrictions on this right will have the character of very rare exceptions, will be considered necessary only if they respond to a specific public need, pursue a legitimate aim and are proportionate to that aim, and will not be abused or applied in an arbitrary manner;
- (9.6) — everyone has the right peacefully to enjoy his property either on his own or in common with others. No one may be deprived of his property except in the public interest and subject to the conditions provided for by law and consistent with international commitments and obligations.
- (10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection, the participating States express their commitment to
- (10.1) — respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;

- (10.2) — respect the rights of everyone, individually or in association with others, to study and discuss the observance of human rights and fundamental freedoms and to develop and discuss ideas for improved protection of human rights and better means for ensuring compliance with international human rights standards;
- (10.3) — ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups;
- (10.4) — allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.
- (11) The participating States further affirm that, where violations of human rights and fundamental freedoms are alleged to have occurred, the effective remedies available include
- (11.1) — the right of the individual to seek and receive adequate legal assistance;
- (11.2) — the right of the individual to seek and receive assistance from others in defending human rights and fundamental freedoms, and to assist others in defending human rights and fundamental freedoms;
- (11.3) — the right of individuals or groups acting on their behalf to communicate with international bodies with competence to receive and consider information concerning allegations of human rights abuses.
- (12) The participating States, wishing to ensure greater transparency in the implementation of the commitments undertaken in the Vienna Concluding Document under the heading of the human dimension of the CSCE, decide to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before courts as provided for in national legislation and international law; it is understood that proceedings may only be held *in camera* in the circumstances prescribed by law and consistent with obligations under international law and international commitments.
- (13) The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation. They will consider acceding to the Convention on the Rights of the Child, if they have not yet done so, which was opened for signature by States on 26 January 1990. They will recognize in their domestic legislation the rights of the child as affirmed in the international agreements to which they are Parties.
- (14) The participating States agree to encourage the creation, within their countries, of conditions for the training of students and trainees from other participating States, including persons taking vocational and technical courses. They also agree to promote travel by young people from their

countries for the purpose of obtaining education in other participating States and to that end to encourage the conclusion, where appropriate, of bilateral and multilateral agreements between their relevant governmental institutions, organizations and educational establishments.

- (15) The participating States will act in such a way as to facilitate the transfer of sentenced persons and encourage those participating States which are not Parties to the Convention on the Transfer of Sentenced Persons, signed at Strasbourg on 21 November 1983, to consider acceding to the Convention.
- (16) The participating States
 - (16.1) — reaffirm their commitment to prohibit torture and other cruel, inhuman or degrading treatment or punishment, to take effective legislative, administrative, judicial and other measures to prevent and punish such practices, to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and to take effective measures to prevent and punish such practices;
 - (16.2) — intend, as a matter of urgency, to consider acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, if they have not yet done so, and recognizing the competences of the Committee against Torture under articles 21 and 22 of the Convention and withdrawing reservations regarding the competence of the Committee under article 20;
 - (16.3) — stress that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;
 - (16.4) — will ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;
 - (16.5) — will keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture;
 - (16.6) — will take up with priority for consideration and for appropriate action, in accordance with the agreed measures and procedures for the effective implementation of the commitments relating to the human dimension of the CSCE, any cases of torture and other inhuman or degrading treatment or punishment made known to them through official channels or coming from any other reliable source of information;
 - (16.7) — will act upon the understanding that preserving and guaranteeing the life and security of any individual subjected to any form of torture and other inhuman or degrading treatment or punishment will be the sole criterion in determining the urgency and priorities to be accorded in taking appropriate remedial action; and, therefore, the consideration of any cases of torture and other inhuman or degrading treatment or punishment

within the framework of any other international body or mechanism may not be invoked as a reason for refraining from consideration and appropriate action in accordance with the agreed measures and procedures for the effective implementation of the commitments relating to the human dimension of the CSCE.

(17) The participating States

- (17.1) — recall the commitment undertaken in the Vienna Concluding Document to keep the question of capital punishment under consideration and to cooperate within relevant international organizations;
- (17.2) — recall, in this context, the adoption by the General Assembly of the United Nations, on 15 December 1989, of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- (17.3) — note the restrictions and safeguards regarding the use of the death penalty which have been adopted by the international community, in particular article 6 of the International Covenant on Civil and Political Rights;
- (17.4) — note the provisions of the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty;
- (17.5) — note recent measures taken by a number of participating States towards the abolition of capital punishment;
- (17.6) — note the activities of several non-governmental organizations on the question of the death penalty;
- (17.7) — will exchange information within the framework of the Conference on the Human Dimension on the question of the abolition of the death penalty and keep that question under consideration;
- (17.8) — will make available to the public information regarding the use of the death penalty.

(18) The participating States

- (18.1) — note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service;
- (18.2) — note recent measures taken by a number of participating States to permit exemption from compulsory military service on the basis of conscientious objections;
- (18.3) — note the activities of several non-governmental organizations on the question of conscientious objections to compulsory military service;
- (18.4) — agree to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature;
- (18.5) — will make available to the public information on this issue;

- (18.6) — will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.
- (19) The participating States affirm that freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms. They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the Vienna Concluding Document. While reaffirming their determination not to recede from the commitments contained in CSCE documents, they undertake to implement fully and improve present commitments in the field of human contacts, including on a bilateral and multilateral basis. In this context they will
- (19.1) — strive to implement the procedures for entry into their territories, including the issuing of visas and passport and customs control, in good faith and without unjustified delay. Where necessary, they will shorten the waiting time for visa decisions, as well as simplify practices and reduce administrative requirements for visa applications;
- (19.2) — ensure, in dealing with visa applications, that these are processed as expeditiously as possible in order, *inter alia*, to take due account of important family, personal or professional considerations, especially in cases of an urgent, humanitarian nature;
- (19.3) — endeavour, where necessary, to reduce fees charged in connection with visa applications to the lowest possible level.
- (20) The participating States concerned will consult and, where appropriate, cooperate in dealing with problems that might emerge as a result of the increased movement of persons.
- (21) The participating States recommend the consideration, at the next CSCE Follow-up Meeting in Helsinki, of the advisability of holding a meeting of experts on consular matters.
- (22) The participating States reaffirm that the protection and promotion of the rights of migrant workers have their human dimension. In this context, they
- (22.1) — agree that the protection and promotion of the rights of migrant workers are the concern of all participating States and that as such they should be addressed within the CSCE process;
- (22.2) — reaffirm their commitment to implement fully in their domestic legislation the rights of migrant workers provided for in international agreements to which they are parties;
- (22.3) — consider that, in future international instruments concerning the rights of migrant workers, they should take into account the fact that this issue is of importance for all of them;
- (22.4) — express their readiness to examine, at future CSCE meetings, the relevant aspects of the further promotion of the rights of migrant workers and their families.

- (23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of economic, social and cultural rights as well as of civil and political rights is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual. They also reaffirm their commitment taken in the Document of the Bonn Conference on Economic Co-operation in Europe to the promotion of social justice and the improvement of living and working conditions. In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture.
- (24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.
Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.
- (25) The participating States confirm that any derogations from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation. They also reaffirm that
- (25.1) — measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments;
 - (25.2) — the imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law;
 - (25.3) — measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation;
 - (25.4) — such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

III

(26) The participating States recognize that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions. They will therefore encourage, facilitate and, where appropriate, support practical co-operative endeavours and the sharing of information, ideas and expertise among themselves and by direct contacts and co-operation between individuals, groups and organizations in areas including the following:

- constitutional law, reform and development,
- electoral legislation, administration and observation,
- establishment and management of courts and legal systems,
- the development of an impartial and effective public service where recruitment and advancement are based on a merit system,
- law enforcement,
- local government and decentralization,
- access to information and protection of privacy,
- developing political parties and their role in pluralistic societies,
- free and independent trade unions,
- co-operative movements,
- developing other forms of free associations and public interest groups,
- journalism, independent media, and intellectual and cultural life,
- the teaching of democratic values, institutions and practices in educational institutions and the fostering of an atmosphere of free enquiry.

Such endeavours may cover the range of co-operation encompassed in the human dimension of the CSCE, including training, exchange of information, books and instructional materials, co-operative programmes and projects, academic and professional exchanges and conferences, scholarships, research grants, provision of expertise and advice, business and scientific contacts and programmes.

(27) The participating States will also facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law, which may also serve as focal points for co-ordination and collaboration between such institutions in the participating States. They propose that co-operation be encouraged between parliamentarians from participating States, including through existing inter-parliamentary associations and, *inter alia*, through joint commissions, television debates involving parliamentarians, meetings and round-table discussions. They will also encourage existing institutions, such as organizations within the United Nations system and the Council of Europe, to continue and expand the work they have begun in this area.

(28) The participating States recognize the important expertise of the Council of Europe in the field of human rights and fundamental freedoms and agree to consider further ways and means to enable the Council of Europe to make a contribution to the human dimension of the CSCE. They agree that the nature of this contribution could be examined further in a future CSCE forum.

- (29) The participating States will consider the idea of convening a meeting or seminar of experts to review and discuss co-operative measures designed to promote and sustain viable democratic institutions in participating States, including comparative studies of legislation in participating States in the area of human rights and fundamental freedoms, *inter alia* drawing upon the experience acquired in this area by the Council of Europe and the activities of the Commission "Democracy through Law".

IV

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) — to use freely their mother tongue in private as well as in public;

(32.2) — to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) — to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) — to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) — to disseminate, have access to and exchange information in their mother tongue;

(32.6) — to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

- (33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

- (34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

- (35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

- (36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

- (37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

- (38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

- (39) The participating States will co-operate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.
They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.
- (40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).
They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will
- (40.1) — take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;
- (40.2) — commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;
- (40.3) — take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;
- (40.4) — endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;
- (40.5) — recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;
- (40.6) — consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;
- (40.7) — consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

V

- (41) The participating States reaffirm their commitment to the human dimension of the CSCE and emphasize its importance as an integral part of a balanced approach to security and co-operation in Europe. They agree that the Conference on the Human Dimension of the CSCE and the human dimension mechanism described in the section on the human dimension of the CSCE of the Vienna Concluding Document have demonstrated their value as methods of furthering their dialogue and co-operation and assisting in the resolution of relevant specific questions. They express their conviction that these should be continued and developed as part of an expanding CSCE process.
- (42) The participating States recognize the need to enhance further the effectiveness of the procedures described in paragraphs 1 to 4 of the section on the human dimension of the CSCE of the Vienna Concluding Document and with this aim decide
- (42.1) — to provide in as short a time as possible, but no later than four weeks, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1;
- (42.2) — that the bilateral meetings, as contained in paragraph 2, will take place as soon as possible, as a rule within three weeks of the date of the request;
- (42.3) — to refrain, in the course of a bilateral meeting held under paragraph 2, from raising situations and cases not connected with the subject of the meeting, unless both sides have agreed to do so.
- (43) The participating States examined practical proposals for new measures aimed at improving the implementation of the commitments relating to the human dimension of the CSCE. In this regard, they considered proposals related to the sending of observers to examine situations and specific cases, the appointment of rapporteurs to investigate and suggest appropriate solutions, the setting up of a Committee on the Human Dimension of the CSCE, greater involvement of persons, organizations and institutions in the human dimension mechanism and further bilateral and multilateral efforts to promote the resolution of relevant issues.
- They decide to continue to discuss thoroughly in subsequent relevant CSCE fora these and other proposals designed to strengthen the human dimension mechanism, and to consider adopting, in the context of the further development of the CSCE process, appropriate new measures. They agree that these measures should contribute to achieving further effective progress, enhance conflict prevention and confidence in the field of the human dimension of the CSCE.

* * *

- (44) The representatives of the participating States express their profound gratitude to the people and Government of Denmark for the excellent organization of the Copenhagen Meeting and the warm hospitality extended to the delegations which participated in the Meeting.
- (45) In accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE, the third Meeting of the Conference will take place in Moscow from 10 September to 4 October 1991.

Copenhagen, 29 June 1990

CHAIRMAN'S STATEMENT**ON THE ACCESS OF NON-GOVERNMENTAL ORGANIZATIONS AND THE
MEDIA TO MEETINGS OF
THE CONFERENCE ON THE HUMAN DIMENSION**

The Chairman notes that the practices of openness and access to the Meetings of the Conference on the Human Dimension, as they were applied at the Vienna Meeting and as contained in Annex XI of the Concluding Document of that Meeting, are of importance to all participating States. In order to follow and build upon those practices at forthcoming CSCE meetings of the Conference on the Human Dimension, the participating States agree that the following practices of openness and access should be respected:

- free movement by members of interested non-governmental organizations (NGOs) in the Conference premises, except for the areas restricted to delegations and to the services of the Executive Secretariat. Accordingly, badges will be issued to them, at their request, by the Executive Secretariat;
- unimpeded contacts between members of interested NGOs and delegates, as well as with accredited representatives of the media;
- access to official documents of the Conference in all the working languages and also to any document that delegates might wish to communicate to members of interested NGOs;
- the opportunity for members of interested NGOs to transmit to delegates communications relating to the human dimension of the CSCE. Mailboxes for each delegation will be accessible to them for this purpose;
- free access for delegates to all documents emanating from interested NGOs and addressed to the Executive Secretariat for the information of the Conference. Accordingly, the Executive Secretariat will make available to delegates a regularly updated collection of such documents.

They further undertake to guarantee to representatives of the media

- free movement in the Conference premises, except for the areas restricted to delegations and to the services of the Executive Secretariat. Accordingly, badges will be issued to them by the Executive Secretariat upon presentation of the requisite credentials;
- unimpeded contacts with delegates and with members of interested NGOs;
- access to official documents of the Conference in all the working languages.

The Chairman notes further that this statement will be an Annex to the Document of the Copenhagen Meeting and will be published with it.

CHARTA VON PARIS
FÜR
EIN NEUES EUROPA

CHARTER OF PARIS
FOR
A NEW EUROPE

CARTA DE PARIS
PARA
UNA NUEVA EUROPA

CHARTE DE PARIS
POUR
UNE NOUVELLE EUROPE

CARTA DI PARIGI
PER
UNA NUOVA EUROPA

ПАРИЖСКАЯ ХАРТИЯ
ДЛЯ
НОВОЙ ЕВРОПЫ

UNE NOUVELLE ÈRE DE DÉMOCRATIE, DE PAIX ET D'UNITÉ

Nous, chefs d'Etat ou de gouvernement des Etats participant à la Conférence sur la sécurité et la coopération en Europe, sommes réunis à Paris à une époque de profonds changements et d'espérances historiques. L'ère de la confrontation et de la division en Europe est révolue. Nous déclarons que nos relations seront fondées désormais sur le respect et la coopération.

L'Europe se libère de l'héritage du passé. Le courage des hommes et des femmes, la puissance de la volonté des peuples et la force des idées de l'Acte final de Helsinki ont ouvert une ère nouvelle de démocratie, de paix et d'unité en Europe.

Il nous appartient aujourd'hui de réaliser les espérances et les attentes que nos peuples ont nourries pendant des décennies : un engagement indéfectible en faveur de la démocratie fondée sur les droits de l'homme et les libertés fondamentales; la prospérité par la liberté économique et par la justice sociale; et une sécurité égale pour tous nos pays.

Les dix Principes de l'Acte final nous guideront vers cet objectif ambitieux comme ils ont éclairé notre voie vers des relations meilleures au cours des quinze dernières années. La pleine mise en œuvre de tous les engagements de la CSCE doit servir de fondement aux initiatives que nous prenons aujourd'hui pour permettre à nos nations de vivre conformément à leurs aspirations.

Droits de l'homme, démocratie et Etat de droit

Nous nous engageons à édifier, consolider et raffermir la démocratie comme seul système de gouvernement de nos nations. A cet effet, nous nous conformerons à ce qui suit :

Les droits de l'homme et les libertés fondamentales sont inhérents à tous les êtres humains, inaliénables et garantis par la loi. La responsabilité première des gouvernements est de les protéger et de les promouvoir. Les observer et les exercer pleinement donnent leur fondement à la liberté, à la justice et à la paix.

Le gouvernement démocratique repose sur la volonté du peuple, exprimée à intervalles réguliers par des élections libres et loyales. La démocratie est fondée sur le respect de la personne humaine et de l'Etat de droit. Elle est le meilleur garant de la liberté d'expression, de la tolérance envers tous les groupes de la société et de l'égalité des chances pour chacun.

La démocratie, de par son caractère représentatif et pluraliste, implique la responsabilité envers l'électorat, l'obligation pour les pouvoirs publics de se conformer à la loi et l'exercice impartial de la justice. Nul n'est au-dessus de la loi.

Nous affirmons que, sans discrimination,

tout individu a le droit à :

la liberté de pensée, de conscience et de religion ou de conviction,
la liberté d'expression,
la liberté d'association et de réunion pacifique,
la liberté de circulation;

nul ne sera soumis :

à arrestation ou détention arbitraires,
à la torture ou à tout autre traitement ou châtiment cruel, inhumain
ou dégradant;

chacun a en outre le droit :

de connaître ses droits et de les faire valoir,
de participer à des élections libres et loyales,
d'être jugé équitablement et publiquement s'il est accusé d'un délit,
de posséder un bien seul ou en association et de mener des entreprises
individuelles,
de jouir de ses droits économiques, sociaux et culturels.

Nous affirmons que l'identité ethnique, culturelle, linguistique et religieuse des minorités nationales sera protégée et que les personnes appartenant à ces minorités ont le droit d'exprimer, de préserver et de développer cette identité sans aucune discrimination et en toute égalité devant la loi.

Nous veillerons à ce que chacun jouisse de recours effectifs, sur le plan national ou international, contre toute violation de ses droits.

Le plein respect de ces préceptes constitue l'assise sur laquelle nous nous efforcerons d'édifier la nouvelle Europe.

Nos Etats coopéreront et se soutiendront mutuellement pour rendre irréversibles les acquis démocratiques.

Liberté économique et responsabilité

La liberté économique, la justice sociale et une attitude responsable à l'égard de l'environnement sont indispensables à la prospérité.

Le libre arbitre individuel, exercé en démocratie et protégé par l'Etat de droit, constitue la condition nécessaire d'un développement économique et social fructueux. Nous favoriserons l'activité économique qui respecte et soutient la dignité humaine.

La liberté et le pluralisme politique doivent être pris en compte dans la poursuite de notre objectif commun, qui est de développer les économies de marché en vue d'une croissance économique durable, de la prospérité, de la justice sociale, du développement de l'emploi et de l'utilisation rationnelle des ressources économiques. Il est important et conforme à notre intérêt à tous que le passage à l'économie de marché réussisse dans les pays qui font des efforts en ce sens. Cette réussite nous permettra de partager les fruits d'un accroissement de la prospérité auquel nous aspirons tous ensemble. Nous coopérerons pour atteindre ce but.

La sauvegarde de l'environnement est une responsabilité que toutes nos nations partagent. Tout en appuyant les efforts nationaux et régionaux dans ce domaine, nous devons aussi tenir compte de la nécessité urgente d'une action commune à une plus grande échelle.

Relations amicales entre les Etats participants

Maintenant qu'une ère nouvelle s'ouvre en Europe, nous sommes résolus à développer et renforcer les relations amicales et la coopération entre les Etats d'Europe, les Etats-Unis d'Amérique et le Canada, et à promouvoir l'amitié entre nos peuples.

Afin de maintenir et promouvoir la démocratie, la paix et l'unité en Europe, nous nous engageons solennellement à respecter pleinement les dix Principes de l'Acte final de Helsinki. Nous déclarons la validité constante des dix Principes et notre détermination à les mettre en pratique. Tous les Principes s'appliquent également et sans réserve, chacun d'entre eux s'interprétant en tenant compte des autres. Ils constituent la base de nos relations.

Conformément à nos obligations aux termes de la Charte des Nations Unies et à nos engagements en vertu de l'Acte final de Helsinki, nous réitérons notre détermination à nous abstenir de recourir à la menace ou à l'emploi de la force contre l'intégrité territoriale ou l'indépendance politique de tout Etat, ou à agir de toute autre manière incompatible avec les principes ou les buts de ces documents. Nous rappelons que le non-respect des obligations contractées aux termes de la Charte des Nations Unies constitue une violation du droit international.

Nous réaffirmons notre engagement à régler les différends par des moyens pacifiques. Nous décidons de mettre au point des mécanismes de prévention et de résolution des conflits entre les Etats participants.

Au moment où prend fin la division de l'Europe, nous nous efforcerons de donner une qualité nouvelle à nos relations en matière de sécurité, tout en respectant pleinement la liberté de choix de chacun dans ce domaine. La sécurité est indivisible et la sécurité de chaque Etat participant est

La CSCE et le monde

Le destin de nos nations est lié à celui de toutes les autres. Nous appuyons pleinement l'Organisation des Nations Unies et le renforcement de son rôle dans la promotion de la paix, de la sécurité et de la justice internationales. Nous réaffirmons notre engagement en faveur des principes et des buts des Nations Unies tels qu'ils sont énoncés dans la Charte et condamnons toute violation de ces principes. Nous reconnaissons avec satisfaction le rôle de plus en plus important de l'Organisation des Nations Unies dans le monde et son efficacité croissante, stimulée par l'amélioration des relations entre nos Etats.

Conscients de l'acuité des besoins d'une grande partie du monde, nous nous engageons à être solidaires avec tous les autres pays. Nous lançons donc aujourd'hui de Paris un appel à toutes les nations du monde. Nous nous tenons prêts à nous joindre à l'ensemble des Etats et à chacun d'entre eux dans un effort commun pour protéger et faire progresser la communauté des valeurs humaines fondamentales.

ORIENTATIONS POUR L'AVENIR

Nous fondant sur notre ferme engagement à appliquer pleinement tous les principes et toutes les dispositions de la CSCE, nous sommes désormais résolus à imprimer un nouvel élan à un développement équilibré et général de notre coopération dans le but de répondre aux besoins et aux aspirations de nos peuples.

Dimension humaine

Nous déclarons que notre respect des droits de l'homme et des libertés fondamentales est irrévocable. Nous appliquerons pleinement et développerons les dispositions de la CSCE relatives à la dimension humaine.

Nous appuyant sur le Document de la Réunion de Copenhague de la Conférence sur la dimension humaine, nous coopérerons pour renforcer les institutions démocratiques et promouvoir l'application du principe de l'Etat de droit. A cette fin, nous décidons de convoquer un séminaire d'experts à Oslo du 4 au 15 novembre 1991.

Résolus à encourager la contribution précieuse des minorités nationales à la vie de nos sociétés, nous nous engageons à améliorer encore leur situation. Nous réaffirmons notre profonde conviction que des relations amicales entre nos peuples ainsi que la paix, la justice, la stabilité et la démocratie exigent que l'identité ethnique, culturelle, linguistique et religieuse des minorités nationales soit protégée et que des conditions favorables à la promotion de cette identité soient créées. Nous déclarons que les questions relatives aux minorités nationales ne peuvent trouver de réponses satisfaisantes que dans un cadre politique démocratique. Nous reconnaissons en outre que les droits des personnes appartenant à des minorités nationales doivent être pleinement respectés comme faisant partie des droits de l'homme universels. Conscients qu'il est nécessaire et urgent d'accroître la coopération en ce qui concerne les minorités nationales, ainsi que d'améliorer leur protection, nous décidons de convoquer une réunion d'experts sur les minorités nationales, qui se tiendra à Genève du 1er au 19 juillet 1991.

Nous exprimons notre détermination à lutter contre toutes les formes de haine raciale ou ethnique, d'antisémitisme, de xénophobie et de discrimination envers toute personne, ainsi que de persécution pour des motifs religieux ou idéologiques.

Conformément aux engagements que nous avons pris dans le cadre de la CSCE, nous soulignons que la liberté de circulation et de contacts entre nos citoyens, ainsi que la libre circulation de l'information et des idées, sont essentielles à la pérennité et au développement de sociétés libres et de cultures florissantes. Nous nous félicitons du développement du tourisme et des visites entre nos pays.

Le mécanisme de la dimension humaine a fait ses preuves et nous sommes donc résolus à le développer afin d'y inclure de nouvelles procédures comprenant, entre autres, les services d'experts ou un collège de personnalités éminentes ayant l'expérience des questions relatives aux droits de l'homme qui pourraient être soulevées dans le cadre du mécanisme. Nous veillerons, dans le contexte du mécanisme, à ce que les particuliers participent à la protection de leurs droits. Par conséquent, nous nous engageons à élargir encore nos engagements à cet égard, en particulier à la Réunion de Moscou de la Conférence sur la dimension humaine, sans préjuger des obligations contractées aux termes des instruments internationaux existants auxquels nos Etats peuvent être parties.

Nous reconnaissons l'importante contribution du Conseil de l'Europe à la promotion des droits de l'homme, des principes de la démocratie et de l'Etat de droit, ainsi qu'au développement de la coopération culturelle. Nous nous félicitons de l'intérêt manifesté par plusieurs Etats participants quant à une adhésion au Conseil de l'Europe et à sa Convention européenne des droits de l'homme. Nous nous félicitons du fait que le Conseil de l'Europe est prêt à mettre son expérience au service de la CSCE.

Sécurité

L'évolution de l'environnement politique et militaire de l'Europe ouvre des possibilités nouvelles d'efforts communs dans le domaine de la sécurité militaire. Notre action s'appuiera sur les résultats importants obtenus dans le Traité sur les Forces armées conventionnelles en Europe et dans le cadre

des Négociations sur les mesures de confiance et de sécurité. Nous nous engageons à poursuivre les Négociations MDCS selon le même mandat et à nous efforcer de les conclure d'ici la Réunion principale de suivi de la CSCE qui se tiendra à Helsinki en 1992. Nous nous félicitons en outre de la décision des Etats participants concernés de poursuivre la Négociation FCE selon le même mandat et de s'efforcer de la conclure d'ici la Réunion sur les Suites de la CSCE qui se tiendra à Helsinki. A la suite d'une période de préparations nationales, nous espérons voir s'instaurer une coopération plus structurée entre tous les Etats participants sur les questions de sécurité, et s'ouvrir des discussions et des consultations entre les trente-quatre Etats participants en vue de créer pour 1992, à partir de la conclusion de la Réunion sur les Suites de la CSCE qui se tiendra à Helsinki, de nouvelles négociations sur le désarmement et le renforcement de la confiance et de la sécurité, ouvertes à tous les Etats participants.

Nous demandons la conclusion le plus tôt possible de la Convention sur l'interdiction universelle, globale et effectivement vérifiable des armes chimiques, et nous avons l'intention d'en être signataires dès l'origine.

Nous réaffirmons l'importance de l'initiative Ciel ouvert et demandons l'heureuse conclusion de ces négociations dès que possible.

Bien que le risque de conflit en Europe ait diminué, d'autres dangers menacent la stabilité de nos sociétés. Nous sommes résolus à coopérer pour défendre les institutions démocratiques contre des activités menées en violation de l'indépendance, de l'égalité souveraine ou de l'intégrité territoriale des Etats participants. Il s'agit notamment d'activités illégales incluant la coercition, la subversion ou des pressions exercées de l'extérieur.

Nous condamnons sans réserve comme criminels tous les actes, méthodes et pratiques terroristes et exprimons notre détermination à œuvrer à l'élimination du terrorisme, tant sur le plan bilatéral que par une coopération multilatérale. Nous unirons aussi nos forces pour lutter contre le trafic des stupéfiants.

Conscients que le règlement pacifique des différends est un complément essentiel au devoir qu'ont les Etats de s'abstenir de recourir à la menace ou à l'emploi de la force, tous deux étant des éléments essentiels au maintien et à la consolidation de la paix et de la sécurité internationales, nous chercherons non seulement des mesures efficaces de prévenir, par des moyens politiques, les conflits qui menaceraient d'éclater, mais encore nous définirons, conformément au droit international, des mécanismes appropriés afin de régler pacifiquement tout différend qui pourrait survenir. Par conséquent, nous nous engageons à rechercher de nouvelles formes de coopération dans ce domaine, en particulier une gamme de méthodes applicables au règlement pacifique des différends, y compris l'intervention obligatoire d'une tierce partie. Nous insistons sur le fait que tout le parti possible devrait, dans ce contexte, être tiré de l'occasion fournie par la Réunion sur le règlement pacifique des différends, qui se tiendra à La Valette au début de 1991. Le Conseil des ministres des affaires étrangères tiendra compte du Rapport de la Réunion de La Valette.

Coopération économique

Nous insistons sur le fait qu'une coopération économique fondée sur l'économie de marché constitue un élément essentiel de nos relations et contribuera à la construction d'une Europe prospère et unie. Les institutions démocratiques et la liberté économique favorisent le progrès économique et social, comme cela a été reconnu dans le Document de la Conférence de Bonn sur la coopération économique, dont nous soutenons fortement les résultats.

Nous soulignons que la coopération dans le domaine de l'économie, de la science et de la technologie est aujourd'hui un pilier important de la CSCE. Les Etats participants devraient examiner périodiquement les progrès réalisés et imprimer de nouveaux élan dans ces domaines.

Nous sommes convaincus que notre coopération économique générale devrait être développée, la libre entreprise encouragée et les échanges accrus et diversifiés conformément aux règles du GATT. Nous encouragerons la justice sociale et le progrès social et améliorerons le bien-être de nos peuples. Dans ce contexte, nous reconnaissons l'importance de politiques efficaces pour traiter le problème du chômage.

Nous réaffirmons la nécessité de continuer à soutenir les pays démocratiques dans leur transition vers l'instauration de l'économie de marché et la mise en place des bases d'une ¹⁵croissance économique et sociale autonome, comme l'a déjà entrepris le Groupe des vingt-quatre pays. Nous soulignons encore la nécessité de mieux les intégrer au système économique et financier international, ce qui implique l'acceptation des devoirs comme des avantages.

Nous estimons qu'en insistant davantage sur la coopération économique dans le cadre du processus de la CSCE, compte devrait être tenu des intérêts des Etats participants en développement.

Nous rappelons le lien qui existe entre le respect et la promotion des droits de l'homme et des libertés fondamentales et le progrès scientifique. La coopération dans le domaine de la science et de la technologie jouera un rôle fondamental dans le développement économique et social. Elle doit donc aller dans le sens d'un plus grand partage des informations et des connaissances scientifiques et techniques pertinentes, dans le but de combler le fossé technologique qui existe entre les Etats participants. Nous encourageons aussi les Etats participants à œuvrer ensemble au développement du potentiel humain et de l'esprit de libre entreprise.

Nous sommes déterminés à imprimer l'élan nécessaire à la coopération entre nos Etats dans les domaines de l'énergie, des transports et du tourisme pour le développement économique et social. Nous nous félicitons, en particulier, des mesures pratiques de nature à créer des conditions optimales pour un développement économique et rationnel des ressources énergétiques, en accordant l'attention nécessaire aux questions d'environnement.

Nous reconnaissons le rôle important de la Communauté européenne dans le développement politique et économique en Europe. Des organisations économiques internationales comme la Commission économique des Nations Unies pour l'Europe (CEE/ONU), les Institutions de Bretton Woods, l'Organisation de coopération et de développement économiques (OCDE), l'Association européenne de libre-échange (AELE) et la Chambre de commerce internationale (CCI) ont aussi une tâche considérable à accomplir pour promouvoir la coopération économique, qui sera encore renforcée par la création de la Banque européenne pour la reconstruction et le développement (BERD). Afin de poursuivre nos

objectifs, nous insistons sur le fait qu'il est indispensable de coordonner efficacement les activités de ces organisations et mettons l'accent sur la nécessité de mettre au point des méthodes permettant à tous nos Etats de prendre part à ces activités.

Environnement

Nous reconnaissons l'urgente nécessité de nous saisir des problèmes de l'environnement et l'importance des efforts entrepris à titre individuel ou en coopération dans ce domaine. Nous nous engageons à redoubler d'efforts pour protéger et améliorer notre environnement, afin de rétablir et de maintenir l'équilibre écologique dans l'air, dans l'eau et dans le sol. Nous sommes par conséquent résolus à tirer tout le parti possible du cadre de la CSCE pour formuler des engagements et des objectifs communs en matière d'environnement, et prolonger ainsi les travaux dont rend compte le Rapport de la Réunion de Sofia sur la protection de l'environnement.

Nous insistons sur le rôle important d'une société bien informée permettant au public et aux particuliers de prendre des initiatives pour l'amélioration de l'environnement. A cette fin, nous nous engageons à promouvoir la sensibilisation et l'éducation du public en matière d'environnement, ainsi que l'information du public sur l'incidence des politiques, des projets et des programmes sur l'environnement.

Nous donnons priorité à l'adoption de techniques propres et produisant peu de déchets, compte tenu de la nécessité d'appuyer des pays qui n'ont pas encore les moyens de prendre par eux-mêmes les mesures voulues.

Nous soulignons que les politiques de l'environnement devraient être étayées par des mesures législatives et des structures administratives appropriées afin de garantir leur application effective.

Nous insistons sur la nécessité d'élaborer de nouvelles mesures prévoyant l'évaluation systématique du respect des engagements existants et, en outre, de définir des engagements plus ambitieux en matière de notification et d'échange d'informations sur l'état de l'environnement et les risques potentiels pour l'environnement. Nous nous félicitons aussi de la création de l'Agence européenne pour l'environnement.

Nous saluons les travaux - activités opérationnelles, études axées sur la résolution de problèmes et analyses des politiques - qui sont menés dans les diverses organisations internationales qui s'occupent déjà de protection de l'environnement comme le Programme des Nations Unies pour l'environnement (PNUE), la Commission économique des Nations Unies pour l'Europe (CEE/CNU) et l'Organisation de coopération et de développement économiques (OCDE). Nous mettons l'accent sur la nécessité de renforcer leur coopération et d'assurer une coordination efficace de leurs actions.

Culture

Nous reconnaissons que notre culture commune européenne et nos valeurs partagées ont contribué de manière essentielle à surmonter la division du continent. Par conséquent, nous soulignons notre attachement à la liberté créatrice, ainsi qu'à la protection et la promotion de notre patrimoine culturel et spirituel, dans toute sa richesse et sa diversité.

En raison des changements récemment survenus en Europe, nous insistons sur l'importance accrue du Colloque de Cracovie et nous en attendons l'examen de directives pour une coopération renforcée dans le domaine de la culture. Nous invitons le Conseil de l'Europe à apporter sa contribution à ce Colloque.

Afin de promouvoir une meilleure connaissance mutuelle entre nos peuples, nous favorisons la création de centres culturels dans les villes d'autres Etats participants, ainsi qu'une coopération accrue dans le domaine de l'audiovisuel et des échanges plus développés dans le domaine de la musique, du théâtre, de la littérature et des arts.

Nous sommes résolus à faire des efforts particuliers dans nos politiques nationales pour promouvoir une meilleure compréhension, notamment entre les jeunes, par des échanges culturels, la coopération dans tous les domaines de l'éducation et, plus spécifiquement, par l'enseignement et la formation dispensés dans les langues d'autres Etats participants. Nous avons l'intention d'examiner les premiers résultats de cette action lors de la Réunion principale de suivi de Helsinki, qui se tiendra en 1992.

Travailleurs migrants

Nous reconnaissons que les questions relatives aux travailleurs migrants et à leur famille résidant légalement dans les pays d'accueil comportant des aspects économiques, culturels et sociaux, ainsi que leur propre dimension humaine. Nous réaffirmons que la protection et la promotion de leurs droits, ainsi que le respect des obligations internationales correspondantes, sont notre préoccupation commune.

Méditerranée

Nous estimons que les changements politiques fondamentaux survenus en Europe revêtent une signification positive pour la région méditerranéenne. Nous poursuivrons donc nos efforts pour renforcer la sécurité et la coopération en Méditerranée, en tant qu'élément important de stabilité en Europe. Nous nous félicitons du Rapport de la Réunion de Palma de Majorque sur la Méditerranée, dont nous soutenons tous les résultats.

Nous sommes préoccupés par les tensions persistantes dans la région, et réitérons notre détermination à intensifier nos efforts pour trouver, par des moyens pacifiques, des solutions justes, viables et durables aux problèmes cruciaux en suspens, fondées sur le respect des Principes de l'Acte final.

Nous souhaitons promouvoir des conditions favorables au développement harmonieux et à la diversification des relations avec les Etats méditerranéens non participants. La coopération renforcée avec ces Etats sera poursuivie dans le but de promouvoir le développement économique et social et, par suite, d'accroître ainsi la stabilité dans la région. A cette fin, nous nous efforcerons, de concert avec ces pays, de réduire de façon substantielle l'écart de prospérité entre l'Europe et ses voisins méditerranéens.

Organisations non gouvernementales

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Nous rappelons le rôle important joué par les organisations non gouvernementales, les groupes religieux et autres et les particuliers dans la réalisation des objectifs de la CSCE et nous continuerons à faciliter leurs activités en faveur de la mise en oeuvre des engagements de la CSCE par les Etats participants. Pour accomplir les tâches importantes qui sont les leurs, ces organisations, groupes et particuliers doivent être associés de manière appropriée aux activités et aux nouvelles structures de la CSCE.

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STRUCTURES ET INSTITUTIONS NOUVELLES DU PROCESSUS DE LA CSCE

Nos efforts communs pour consolider le respect des droits de l'homme, la démocratie et l'Etat de droit, renforcer la paix et promouvoir l'unité en Europe appellent un dialogue et une coopération politiques d'une qualité nouvelle et, par conséquent, un développement des structures de la CSCE.

L'intensification de nos consultations à tous les niveaux est d'une importance primordiale pour donner forme à nos relations futures. A cette fin, nous décidons de ce qui suit :

Nous, chefs d'Etat ou de gouvernement, tiendrons notre prochaine réunion à Helsinki à l'occasion de la Réunion organisée dans le cadre des Suites de la CSCE, qui aura lieu en 1992. Par la suite, nous nous rencontrerons à l'occasion des réunions de suivi ultérieures.

Nos ministres des affaires étrangères se réuniront en Conseil régulièrement et au moins une fois l'an. Ces réunions constitueront l'enceinte centrale des consultations politiques dans le cadre du processus de la CSCE. Le Conseil examinera les questions qui relèvent de la Conférence sur la sécurité et la coopération en Europe et prendra les décisions appropriées.

La première réunion du Conseil se tiendra à Berlin.

Un Comité de hauts fonctionnaires préparera les réunions du Conseil et exécutera ses décisions. Le Comité examinera les affaires courantes et pourra prendre les décisions appropriées, y compris sous forme de recommandations au Conseil.

Des réunions supplémentaires des représentants des Etats participants pourront être décidées afin de débattre des questions présentant un caractère urgent.

Le Conseil étudiera la mise au point de dispositions pour la convocation de réunions du Comité des hauts fonctionnaires dans des situations d'urgence.

Des réunions d'autres ministres pourront aussi être décidées entre les Etats participants.

Afin d'assurer le soutien administratif de ces consultations, nous créons un Secrétariat à Prague.

Les réunions de suivi des Etats participants se tiendront en principe tous les deux ans pour permettre aux Etats participants de faire le point de la situation, d'examiner l'exécution de leurs engagements et d'envisager de nouvelles initiatives s'inscrivant dans le processus de la CSCE.

Nous décidons de créer un Centre de prévention des conflits à Vienne, pour aider le Conseil à réduire le risque de conflit.

Nous décidons d'établir un Bureau des élections libres à Varsovie, pour faciliter les contacts et l'échange d'informations sur les élections dans les Etats participants.

Reconnaissant le rôle important que des parlementaires peuvent jouer dans le processus de la CSCE, nous souhaitons une plus grande participation parlementaire dans la CSCE, en particulier par la création d'une assemblée parlementaire de la CSCE réunissant des membres des parlements de tous les Etats participants. A cette fin, nous demandons instamment que des contacts soient poursuivis au niveau parlementaire pour débattre du domaine d'activité, des méthodes de travail et des dispositions de procédure d'une telle structure parlementaire de la CSCE, en s'inspirant de l'expérience acquise et des travaux déjà réalisés dans ce domaine.

Nous demandons à nos ministres des affaires étrangères d'examiner à nouveau cette question à l'occasion de leur première réunion en Conseil.

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Les modalités de procédure et d'organisation relatives à certaines dispositions contenues dans la Charte de Paris pour une nouvelle Europe figurent dans le Document complémentaire qui est adopté en même temps que la Charte de Paris.

Nous chargeons le Conseil de prendre les mesures additionnelles qui pourraient être nécessaires pour assurer l'application des décisions contenues dans le présent document, ainsi que dans le Document complémentaire, et d'envisager de nouveaux efforts en vue de renforcer la sécurité et la coopération en Europe. Le Conseil pourra adopter tout amendement au Document complémentaire qu'il pourra juger approprié.

* * *

L'original de la Charte de Paris pour une nouvelle Europe, rédigé en allemand, anglais, espagnol, français, italien et russe, sera remis au Gouvernement de la République française qui le conservera dans ses archives. Chacun des Etats participants recevra du Gouvernement de la République française une copie conforme de la Charte de Paris.

Le texte de la Charte de Paris sera publié dans chaque Etat participant, qui le diffusera et le fera connaître le plus largement possible.

Le Gouvernement de la République française est prié de transmettre au Secrétaire général des Nations Unies, en vue de sa diffusion à tous les membres de l'Organisation comme document officiel des Nations Unies, le texte de la Charte de Paris pour une nouvelle Europe, qui n'est pas recevable pour être enregistré au titre de l'article 102 de la Charte des Nations Unies.

Le Gouvernement de la République française est également prié de transmettre le texte de la Charte de Paris à toutes les autres organisations internationales mentionnées dans le texte.

Cefe
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1990
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En foi de quoi, nous, soussignés hauts représentants des Etats participants, conscients de la haute signification politique que nous attachons aux résultats de la Réunion au sommet, et nous déclarons résolus à agir conformément aux dispositions que nous avons adoptées, avons apposé notre signature au bas du présent document :

Gefertigt
zu Paris,
den 21.
November
1990,
namens

Done
at Paris,
on 21
November
1990,
in the name of

Hecho
en Paris,
el 21
de noviembre
de 1990
en nombre de

Fait
à Paris,
le 21
novembre
1990
au nom

Fatto
a Parigi
il 21
novembre
1990
in nome

Свершено
в Париже
21 ноября
1990 года
от имени

ZUSATZDOKUMENT ZUR DURCHFÜHRUNG EINIGER BESTIMMUNGEN
DER CHARTA VON PARIS FÜR EIN NEUES EUROPA

SUPPLEMENTARY DOCUMENT TO GIVE EFFECT TO CERTAIN PROVISIONS
CONTAINED IN THE CHARTER OF PARIS FOR A NEW EUROPE

DOCUMENTO SUPLEMENTARIO PARA DAR VALIDEZ A ALGUNAS DISPOSICIONES
QUE FIGURAN EN LA CARTA DE PARIS PARA UNA NUEVA EUROPA

DOCUMENT COMPLEMENTAIRE RELATIF A LA MISE EN APPLICATION
DE CERTAINES DISPOSITIONS CONTENUES DANS LA CHARTE
DE PARIS POUR UNE NOUVELLE EUROPE

DOCUMENTO SUPPLEMENTARE PER L'ATTUAZIONE DI TALUNE DISPOSIZIONI
CONTENUTE NELLA CARTA DI PARIGI PER UNA NUOVA EUROPA

ДОПОЛНИТЕЛЬНЫЙ ДОКУМЕНТ ОБ ОСУЩЕСТВЛЕНИИ ОПРЕДЕЛЕННЫХ
ПОЛОЖЕНИЙ, СОДЕРЖАЩИХСЯ В ПАРИЖСКОЙ ХАРТИИ ДЛЯ НОВОЙ ЕВРОПЫ

DOCUMENT COMPLEMENTAIRE RELATIF A LA MISE EN APPLICATION
DE CERTAINES DISPOSITIONS CONTENUES DANS LA CHARTE
DE PARIS POUR UNE NOUVELLE EUROPE

Les procédures et les modalités d'organisation relatives à certaines dispositions contenues dans la Charte de Paris pour une nouvelle Europe, signée à Paris, le 21 novembre 1990, sont exposées ci-après.

I. ARRANGEMENTS INSTITUTIONNELS

A. LE CONSEIL

1. Le Conseil, composé des ministres des affaires étrangères des Etats participants, est l'enceinte centrale de consultations politiques régulières au sein du processus de la CSCE.
2. Le Conseil :
 - examinera les questions relevant de la Conférence sur la sécurité et la coopération en Europe et prendra les décisions appropriées;
 - préparera les réunions des chefs d'Etat ou de gouvernement des Etats participants, accomplira les tâches que ces réunions auront définies et appliquera les décisions qu'elles auront prises.
3. Le Conseil se réunira régulièrement et au moins une fois l'an.
4. Les Etats participants pourront décider de tenir des réunions supplémentaires du Conseil.
5. Pendant toute la durée de chaque réunion du Conseil, la présidence sera assurée par le représentant du pays hôte.
6. Un ordre du jour des réunions du Conseil, comprenant des propositions relatives au lieu - sur une base de rotation - et à la date de la réunion suivante, sera préparé par le Comité des hauts fonctionnaires.

B. LE COMITE DES HAUTS FONCTIONNAIRES

1. Un Comité des hauts fonctionnaires préparera les travaux du Conseil, appliquera ses décisions, examinera les affaires courantes et envisagera les futurs travaux de la CSCE, y compris ses relations avec d'autres instances internationales.
2. Afin de préparer l'ordre du jour des réunions du Conseil, le Comité déterminera les thèmes de discussion à partir des suggestions présentées par les Etats participants. Le Comité arrêtera un ordre du jour provisoire peu de temps avant la réunion du Conseil.
3. Chaque Etat participant établira un point de contact qui permettra de communiquer au Secrétariat, qui les rassemblera et les diffusera, les suggestions relatives aux travaux du Comité, et de faciliter la communication entre le Secrétariat et chaque Etat participant.
4. Chaque réunion du Comité sera présidée par un représentant de l'Etat dont le ministre des affaires étrangères aura assuré la présidence lors de la réunion précédente du Conseil. Les réunions seront convoquées par le Président du Comité après consultation avec les Etats participants.

Les réunions du Comité se tiendront au siège du Secrétariat et ne dureront pas plus de deux jours, sauf s'il en est décidé autrement. Les réunions précédant immédiatement une réunion du Conseil se tiendront là où se réunira le Conseil.

5. Pour des raisons pratiques, la première réunion du Comité se tiendra à Vienne du 28 au 29 janvier 1991. Elle sera présidée par le représentant de la Yougoslavie.

C. MECANISME D'URGENCE

Le Conseil discutera la possibilité de mettre en place un mécanisme pour la convocation de réunions du Comité des hauts fonctionnaires dans des situations d'urgence.

D. REUNIONS DE SUIVI

1. Des réunions de suivi regroupant les Etats participants se tiendront en règle générale tous les deux ans. Leur durée ne dépassera pas trois mois, sauf s'il en est décidé autrement.

E. LE SECRETARIAT DE LA CSCE

1. Le Secrétariat :

- fournira le soutien administratif des réunions du Conseil et du Comité des hauts fonctionnaires;
- conserva des archives relatives à la documentation de la CSCE et diffusera les documents sur demande des Etats participants;
- fournira des informations relatives à la CSCE et entrant dans le domaine public aux particuliers, aux ONG, aux organisations internationales et aux Etats non participants;
- fournira son aide, en tant que de besoin, aux Secrétaires exécutifs des réunions au sommet, réunions de suivi ou d'intersession de la CSCE.

2. Le Secrétariat exécutera les autres tâches que le Conseil ou le Comité des hauts fonctionnaires lui assigneront.

3. Afin d'exécuter les tâches précisées ci-dessus, le Secrétariat comprendra :

- un directeur, responsable devant le Conseil par l'intermédiaire du Comité des hauts fonctionnaires;
- trois administrateurs chargés de l'organisation des réunions (y compris le protocole et la sécurité), de la documentation et de l'information et des questions financières et administratives. Outre ces fonctions, le directeur pourra confier d'autres charges dans le cadre des tâches du Secrétariat;
- du personnel administratif et technique, recruté par le directeur.

F. CENTRE DE PREVENTION DES CONFLITS (CPC)

1. Le Centre de prévention des conflits aidera le Conseil à réduire les risques de conflit. Les fonctions et la structure du Centre sont décrites ci-dessous.
2. Pendant la phase initiale de son activité, le Centre aura pour rôle d'appuyer l'application de mesures de confiance et de sécurité (MCS) telles que :
 - le mécanisme de consultation et de coopération concernant des activités militaires inhabituelles,
 - l'échange annuel d'informations militaires,
 - le réseau de communications,
 - les réunions annuelles d'évaluation de l'application;
 - la coopération relative aux incidents dangereux de nature militaire.
3. Le Centre pourrait assumer d'autres fonctions et la liste ci-dessus ne préjuge d'aucune tâche supplémentaire relative à une procédure de conciliation en cas de différend, ni de tâches plus générales relatives au règlement des différends, qui pourraient lui être assignées ultérieurement par le Conseil des ministres des affaires étrangères.

Comité consultatif

4. Le Comité consultatif, composé de représentants de tous les Etats participants, sera responsable devant le Conseil. En règle générale, ces représentants seront les chefs de délégation aux Négociations sur les mesures de confiance et de sécurité (MCS) jusqu'à la Réunion de suivi de Helsinki. Le Comité consultatif :
 - convoquera les Etats participants aux réunions qui pourront être tenues dans le cadre du mécanisme relatif aux activités militaires inhabituelles;
 - convoquera les réunions annuelles d'évaluation de l'application;

- préparera des séminaires sur les doctrines militaires et d'autres séminaires du même type dont pourront convenir les Etats participants;
- dirigera le Secrétariat du Centre;
- servira de cadre à la discussion et à l'éclaircissement, le cas échéant, des informations échangées au titre des MDCS convenues;
- aura la responsabilité d'ensemble du réseau de communications utilisé dans le cadre du mandat du CPC.

5. Le Comité consultatif conduira ses travaux conformément aux procédures de la CSCE. Il définira son propre programme de travail et pourra décider de tenir des séances supplémentaires. Les réunions des Etats participants, convoquées à la demande d'un ou de plusieurs Etats participants conformément aux procédures relatives aux activités militaires inhabituelles, seront organisées par le directeur du Secrétariat du CPC. Jusqu'à la nomination du directeur, ces fonctions seront remplies par le Secrétaire exécutif des Négociations sur les mesures de confiance et de sécurité (MDCS).

Secrétariat

6. Le Secrétariat, qui sera responsable devant le Comité consultatif, effectuera les tâches que ce dernier lui assignera. En particulier, il créera et tiendra à jour une banque de données, à l'usage de tous les Etats participants, constituée à partir des informations militaires échangées au titre des MDCS convenues. Le Secrétariat publiera des annuaires en s'y référant.

7. Le Secrétariat sera composé comme suit :

- un directeur;
- deux administrateurs chargés de l'organisation des réunions (y compris le protocole et la sécurité), des communications, de la documentation et de l'information et des questions financières et administratives;
- du personnel administratif et technique, recruté par le directeur.

8. La première réunion du Comité consultatif du Centre de prévention des conflits sera convoquée le 3 décembre 1990 et sera présidée par la Yougoslavie.

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G. LE BUREAU DES ELECTIONS LIBRES

1. Le rôle du Bureau des élections libres sera de faciliter les contacts et l'échange d'informations sur les élections dans les Etats participants. Le Bureau favorisera ainsi l'application des dispositions des paragraphes 6, 7 et 8 du Document de la Réunion de Copenhague de la Conférence sur la dimension humaine de la CSCE (les dispositions pertinentes figurent à l'Annexe I).

2. A cette fin, le Bureau :

- recueillera des informations, y compris les informations fournies par les autorités compétentes des Etats participants, sur les dates, les procédures et les résultats officiels des élections nationales organisées dans les Etats participants, établira des rapports d'observation des élections et fournira, sur demande, ces informations et rapports aux gouvernements, parlements et organisations privées intéressées;
- sera chargé de faciliter les contacts entre les gouvernements, les parlements et les organisations privées désireux d'observer le déroulement des élections et les autorités compétentes des Etats où les élections doivent se dérouler;
- organisera et accueillera, à la demande des Etats participants, des séminaires ou autres réunions ayant trait aux procédures électorales et aux institutions démocratiques.

3. Le Bureau tiendra compte des travaux d'autres institutions actives dans ce domaine et coopérera avec elles.

4. Le Bureau exécutera les autres tâches que le Conseil lui assignera.

5. La personne: du Bureau sera composé comme suit :

- un directeur, qui sera responsable devant le Conseil par l'intermédiaire du Comité des hauts fonctionnaires;

8. L'organisation du travail sera définie par le directeur de chaque institution.

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9. Le personnel sera accrédité par l'Etat qui le détache auprès du pays hôte, où il jouira du plein statut diplomatique.

Coûts

10. Les coûts relatifs :

- au personnel détaché seront à la charge du pays qui le détache;
- à l'installation des institutions de la CSCE seront répartis conformément aux procédures en vigueur à la CSCE;
- au fonctionnement, y compris les frais des déplacements officiels du personnel après nomination, seront répartis conformément aux procédures en vigueur à la CSCE;
- aux locaux de l'institution et aux dispositifs de sécurité nécessaires, y compris pour des réunions tenues au siège de l'institution, seront à la charge du pays hôte.

11. Les pays hôtes s'engagent à permettre aux institutions de remplir toutes leurs fonctions et de prendre des obligations contractuelles et financières, et à leur accorder le statut diplomatique approprié.

12. Pour que les structures institutionnelles de la CSCE créées par le Sommet puissent fonctionner efficacement, des arrangements relatifs aux questions administratives et financières et au personnel devront être convenus.

- un administrateur;
- du personnel administratif et technique, recruté par le directeur du Bureau.

H. PROCEDURES ET MODALITES RELATIVES AUX INSTITUTIONS DE LA CSCE

Arrangements relatifs au personnel

1. Le directeur de chaque institution sera de rang élevé, détaché par son gouvernement et nommé par le Conseil pour une durée non renouvelable de trois ans, sur une base de rotation.
2. Si le directeur ne peut plus assumer ses fonctions, le président du Conseil désignera, après consultation avec les Etats participants, un directeur qui assurera l'intérim jusqu'à la réunion suivante du Conseil.
3. Les administrateurs seront détachés par leur gouvernement. La durée normale de leurs fonctions sera de deux ans. Une prorogation d'un an pourra être décidée par le directeur et l'Etat participant qui détache l'administrateur.
4. La nomination des administrateurs sera faite sur une base de rotation selon l'ordre alphabétique français. Le début de la rotation sera déterminé par tirage au sort pour chaque poste de l'institution. Les postes vacants seront offerts aux Etats participants selon cet ordre, jusqu'au moment où ils seront pourvus.
5. Un Etat participant ne pourra avoir plus d'un ressortissant en détachement dans les institutions de la CSCE, à moins qu'aucun autre Etat participant ne veuille détacher un de ses ressortissants à un poste vacant.
6. Chaque administrateur sera proposé par l'Etat participant intéressé, après consultation avec le directeur qui procédera alors à la nomination.
7. Le personnel administratif et technique sera recruté par le directeur de l'institution. Des dispositions seront prises, en tant que de besoin, en ce qui concerne les services d'interprétation et de traduction.

J. APPLICATION DES DISPOSITIONS DE PROCEDURE DE LA CSCE

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Les dispositions de procédure, les méthodes de travail, le barème de répartition des dépenses et les autres modalités de la CSCE s'appliqueront, mutatis mutandis, sauf s'il en est décidé autrement.

II. REUNIONS D'EXPERTS

A. SEMINAIRE D'EXPERTS SUR LES INSTITUTIONS DEMOCRATIQUES

Le Séminaire d'experts sur les institutions démocratiques se tiendra à Oslo, du lundi 4 au vendredi 15 novembre 1991. Le but de ce séminaire est de débattre des voies et moyens de consolider et renforcer des institutions démocratiques viables dans les Etats participants, y compris des études comparatives sur la législation en matière de droits de l'homme et de libertés fondamentales, en tirant notamment profit de l'expérience acquise par le Conseil de l'Europe et des activités de la Commission "Démocratie par le droit".

L'ordre du jour, le calendrier et les autres modalités d'organisation figurent à l'Annexe II.

B. REUNION D'EXPERTS SUR LES MINORITES NATIONALES

La Réunion d'experts sur les minorités nationales se tiendra à Genève, du lundi 1er au vendredi 19 juillet 1991. Le but de cette réunion est de tenir une discussion approfondie sur la question des minorités nationales et des droits des personnes y appartenant, compte dûment tenu de la diversité des situations et des contextes juridique, historique, politique et économique. Cela consistera notamment :

- en un échange de vues sur l'expérience pratique, en particulier sur la législation nationale, les institutions démocratiques, les instruments internationaux et d'autres formes éventuelles de coopération;

13. A cette fin un groupe, présidé par le Secrétaire exécutif du Comité préparatoire et composé des Secrétaires exécutifs du Sommet de Paris et de la Réunion de New York des ministres des affaires étrangères, ainsi que des représentants des pays hôtes des nouvelles institutions de la CSCE, présentera un rapport et des propositions aux Etats participants pour la fin décembre 1990. Ce rapport et ces propositions seront examinés par un groupe spécial d'experts des Etats participants, qui se réunira à Vienne sous la responsabilité du Comité des hauts fonctionnaires du 14 au 18 janvier 1991 et formulera des recommandations finales sur ce qui précède. Cette réunion sera convoquée et présidée par le représentant de l'Etat président le Comité des hauts fonctionnaires.

14. Le Comité des hauts fonctionnaires examinera ces recommandations et prendra les décisions nécessaires lors de sa première réunion.

Le premier directeur de chaque institution sera proposé par la première réunion du Comité des hauts fonctionnaires et tacitement confirmé dans ses fonctions par le Conseil en l'absence d'objection dans un délai d'une semaine. Le Secrétaire exécutif des Négociations MDCS à Vienne prètera son appui pour la première réunion du Comité consultatif du CPC et pour la première réunion du Comité des hauts fonctionnaires.

15. Le Secrétariat de la CSCE, le Centre de prévention des conflits et le Bureau des élections libres sont responsables devant le Conseil qui est habilité à définir leurs tâches et méthodes de fonctionnement. Les arrangements relatifs aux procédures, aux modalités et aux sièges de ces institutions pourront être examinés à la Réunion principale de suivi de Helsinki.

I. COMMUNICATIONS

Le Conseil, sur recommandation du Comité consultatif et du Comité des hauts fonctionnaires, le cas échéant, pourra décider d'affecter le réseau de communications, créé dans le cadre de l'accord sur les MDCS supplémentaires, à d'autres usages liés à des objectifs intéressant la CSCE.

- en une étude de l'exécution des engagements pertinents de la CSCE et un examen de l'ampleur de l'amélioration des critères correspondants;
- en un examen de nouvelles mesures visant à améliorer l'exécution des engagements susmentionnés.

L'ordre du jour, le calendrier et les autres modalités d'organisation figurent à l'Annexe III.

III. ARRANGEMENTS FINANCIERS DE LA CSCE ET RAPPORT COUT-EFFICACITE

1. Le Comité des hauts fonctionnaires suivra le rapport coût-efficacité des institutions, des activités et du personnel de la CSCE et en rendra compte au Conseil.
2. Le barème de répartition ci-après prendra effet le 22 novembre 1990 :

<u>Pays</u>	<u>Pourcentage</u>
Allemagne	9,10 ‰
Etats-Unis d'Amérique	9,10 ‰
France	9,10 ‰
Italie	9,10 ‰
Royaume-Uni	9,10 ‰
Union des Républiques socialistes soviétiques	9,10 ‰
Canada	5,50 ‰
Belgique	3,60 ‰
Espagne	3,60 ‰
Pays-Bas	3,60 ‰
Pologne	3,60 ‰
Suède	3,60 ‰
Autriche	2,10 ‰
Danemark	2,10 ‰
Finlande	2,10 ‰
Hongrie	2,10 ‰
Norvège	2,10 ‰
Suisse	2,10 ‰
République fédérative tchèque et slovaque	2,10 ‰
Grèce	0,83 ‰
Roumanie	0,83 ‰
Turquie	0,83 ‰
Yougoslavie	0,83 ‰
Bulgarie	0,62 ‰
Irlande	0,62 ‰
Luxembourg	0,62 ‰
Portugal	0,62 ‰
Chypre	0,20 ‰
Islande	0,20 ‰
Liechtenstein	0,20 ‰
Malte	0,20 ‰
Moraco	0,20 ‰
Saint-Marin	0,20 ‰
Saint-Siège	0,20 ‰
 	<hr/>
TOTAL	100,00 ‰



"(6) Les Etats participants déclarent que la volonté du peuple, exprimée librement et équitablement dans le cadre d'élections périodiques et honnêtes, est le fondement de l'autorité et de la légitimité de tout gouvernement. Les Etats participants respecteront en conséquence le droit de leurs citoyens de participer au gouvernement de leur pays, soit directement, soit par l'intermédiaire de représentants librement choisis par eux dans le cadre d'élections équitables. Ils reconnaissent la responsabilité qui leur incombe de défendre et de protéger, conformément à leurs lois, à leurs obligations internationales en matière de droits de l'homme et à leurs engagements internationaux, l'ordre démocratique librement établi par la volonté du peuple contre les activités de personnes, groupements ou organisations qui prennent part ou qui refusent de renoncer à des actes de terrorisme ou de violence visant à renverser cet ordre ou celui d'un autre Etat participant.

(7) Pour faire en sorte que la volonté du peuple soit le fondement des autorités publiques, les Etats participants

- (7.1) - organiseront des élections libres à intervalles raisonnables, comme le prévoit la loi;
- (7.2) - permettront que tous les sièges, dans au moins une des chambres du pouvoir législatif national, soient librement disputés dans le cadre d'un vote populaire;
- (7.3) - garantiront un suffrage universel et égal aux citoyens majeurs;
- (7.4) - veilleront à ce que les votes soient émis au scrutin secret ou suivant une procédure équivalente assurant la liberté du vote et à ce qu'ils soient recensés et présentés avec objectivité, les résultats officiels étant rendus publics;

- (7.5) - respecteront le droit des citoyens de solliciter des fonctions politiques ou publiques, à titre individuel ou en tant que représentants de partis politiques ou d'organisations, sans discrimination;
- (7.6) - respecteront le droit des individus ainsi que des groupes ou groupements de créer, en toute liberté, leurs propres partis ou autres organisations politiques, et fourniront à ces partis et organisations les garanties légales nécessaires pour leur permettre de se mesurer sur la base d'une égalité de traitement devant la loi et les autorités;
- (7.7) - veilleront à ce que la loi et l'ordre public de l'Etat contribuent à faire en sorte que les campagnes politiques se déroulent dans un climat d'équité et de liberté excluant toute pression administrative, violence ou intimidation qui interdirait aux partis et aux candidats d'exposer librement leurs opinions et leurs qualités, ou empêcherait les électeurs d'en prendre connaissance et d'en débattre ou de voter sans crainte de sanctions;
- (7.8) - veilleront à ce qu'aucun obstacle d'ordre juridique ou administratif ne s'oppose au libre accès aux médias sur la base de la non-discrimination pour tous les groupes ou groupements politiques et toutes les personnes désirant participer à des élections;
- (7.9) - veilleront à ce que les candidats qui obtiennent le nombre nécessaire de voix requis par la loi soient dûment investis de leur fonction, et qu'il leur soit permis de conserver celle-ci jusqu'à ce que leur mandat arrive à expiration ou qu'il y soit mis un terme pour toute autre raison d'une manière prescrite par la loi conformément à des procédures parlementaires et constitutionnelles démocratiques.

- (8) Les Etats participants estiment que la présence d'observateurs, étrangers et nationaux, est de nature à améliorer le déroulement des élections dans les Etats où elles ont lieu. En conséquence, ils invitent des observateurs de tout autre Etat participant à la CSCE, ainsi que de toute institution et organisation privée compétente qui le souhaiterait, à suivre le déroulement de la procédure de leurs élections nationales, dans la mesure prévue par la loi. Ils s'appliqueront également à faciliter un accès analogue pour les élections organisées à un niveau inférieur au niveau national. Ces observateurs s'engageront à ne pas s'immiscer dans les opérations électorales."

SEMINAIRE D'EXPERTS SUR LES INSTITUTIONS DEMOCRATIQUES

2

I. Ordre du jour

1. Ouverture officielle du Séminaire
Allocution prononcée par un représentant du pays hôte.
2. Déclarations d'ouverture de représentants des Etats participants.
3. Contributions du Conseil de l'Europe et de la Commission
"Démocratie par le droit".
4. Discussion des voies et moyens de consolider et renforcer des institutions démocratiques viables dans les Etats participants, y compris des études comparatives sur la législation en matière de droits de l'homme et de libertés fondamentales, en tirant notamment profit de l'expérience acquise par le Conseil de l'Europe et des activités de la Commission "Démocratie par le droit".
5. Déclarations de clôture de représentants des Etats participants et conclusions.
6. Clôture officielle du Séminaire.

II. Calendrier et autres modalités d'organisation

1. Le Séminaire s'ouvrira le lundi 4 novembre 1991 à 15 heures, à Oslo.
Il se terminera le vendredi 15 novembre 1991.
2. Toutes les séances plénières seront publiques. Les groupes d'étude tiendront séance à huis clos.
3. Les points 1, 2, 3, 5 et 6 de l'ordre du jour seront examinés en séance plénière.

4. Le point 4 de l'ordre du jour sera examiné en séance plénière et dans les trois groupes d'étude suivants :

* Groupe d'étude A :

- Réformes constitutionnelles
- Etat de droit et tribunaux indépendants
- Séparation des pouvoirs législatif, exécutif et judiciaire

** Groupe d'étude B :

- Organisation des élections
- Organisation des partis politiques
- Structure des organisations non gouvernementales indépendantes (syndicats, organisations d'employeurs)
- Rôle des médias

*** Groupe d'étude C :

- Etudes comparatives de la législation dans le domaine des droits de l'homme et des libertés fondamentales.

5. Les séances de la Plénière et des groupes d'étude se dérouleront conformément au programme de travail ci-joint. Le programme de travail pourra être modifié par consensus.

Les déclarations d'ouverture de représentants des Etats participants ne devraient pas, en principe, dépasser douze minutes par délégation et se feront dans l'ordre suivant : Suisse, Islande, Suède, Pologne, Portugal, Saint-Siège, Finlande, Autriche, Bulgarie, Chypre, Turquie, Allemagne, Etats-Unis d'Amérique, Saint-Marin, Monaco, République fédérative tchèque et slovaque, Luxembourg, Roumanie, Irlande, Liechtenstein, Royaume-Uni, Grèce, France, Danemark, Belgique, Yougoslavie, Canada, Norvège, Malte, Espagne, Union des Républiques socialistes soviétiques, Pays-Bas, Italie, Hongrie.

6. Avant l'ouverture du Séminaire, les délégations sont invitées à distribuer, par l'intermédiaire du Secrétariat exécutif, des contributions écrites sur les questions qui seront traitées dans les groupes d'étude.

7. Le Conseil des ministres prendra en compte les conclusions élaborées au titre du point 5 de l'ordre du jour.
8. La présidence des première et dernière séances plénières sera assurée par un représentant du pays hôte. Après la séance d'ouverture, la présidence sera assurée par rotation quotidienne selon l'ordre alphabétique français, en commençant par un représentant des Etats-Unis d'Amérique.
9. La présidence de la première séance de chaque groupe d'étude sera assurée par un représentant du pays hôte. Pour les séances suivantes, la présidence sera assurée par rotation quotidienne selon l'ordre alphabétique français, en commençant,
 - dans le Groupe d'étude A, par un représentant de Monaco;
 - dans le Groupe d'étude B, par un représentant de la Roumanie;
 - dans le Groupe d'étude C, par un représentant de Malte.
10. Conformément au paragraphe 74 des Recommandations finales des Consultations de Helsinki, le Gouvernement de la Norvège désignera un Secrétaire exécutif. Cette désignation sera soumise à l'approbation des Etats participants.
11. Les autres dispositions de procédure, les méthodes de travail et le barème de répartition des dépenses de la CSCE s'appliqueront, mutatis mutandis, au Séminaire.

PROGRAMME DE TRAVAIL

1 ^{ème} SEMAINE	Lundi	Mardi	Mercredi	Jedi	Vendredi
Matin		PL	SG A	SG C	SG B
Après-midi	PL	PL	SG B	SG A	SG C

2 ^{ème} SEMAINE	Lundi	Mardi	Mercredi	Jedi	Vendredi
Matin	PL	SG B	SG A	SG C	PL
Après-midi	SG A	SG C	SG B	PL	

⋮

REUNION D'EXPERTS SUR LES MINORITES NATIONALES

I. Ordre du jour

1. Ouverture officielle de la Réunion.
Allocution prononcée par un représentant du pays hôte.
2. Déclarations d'ouverture de représentants des Etats participants.
3. Contribution du Conseil de l'Europe.
4. Discussion approfondie de la question des minorités nationales et des droits des personnes y appartenant, compte dûment tenu de la diversité des situations et des contextes juridique, historique, politique et économique.
 - a) Echange de vues sur l'expérience pratique, en particulier sur la législation nationale, les institutions démocratiques, les instruments internationaux et d'autres formes éventuelles de coopération.
 - b) Etude de l'exécution des engagements pertinents de la CSCE et examen de l'ampleur de l'amélioration des critères correspondants.
 - c) Examen de nouvelles mesures visant à améliorer l'exécution des engagements susmentionnés.
5. Déclarations de clôture de représentants des Etats participants et conclusions.
6. Clôture officielle de la Réunion.

II. Calendrier et autres modalités d'organisation

1. La Réunion s'ouvrira le lundi 1er juillet 1991 à 15 heures, à Genève. Elle se terminera le vendredi 19 juillet 1991.
2. Les séances de la Plénière seront publiques. Les organes de travail subsidiaires tiendront séance à huis clos.
3. Les points 1, 2, 3, 5 et 6 de l'ordre du jour seront examinés en séance plénière.
4. Le point 4 de l'ordre du jour sera examiné dans les trois organes de travail subsidiaires (créés conformément aux alinéas a), b) et c)) de façon structurée et équilibrée. Le point 4 de l'ordre du jour sera aussi examiné en séance plénière.
5. Les séances de la Plénière et des organes de travail subsidiaires se dérouleront conformément au programme de travail ci-joint.
6. Les déclarations d'ouverture de représentants des Etats participants ne devraient pas, en principe, dépasser quinze minutes par délégation et se feront dans l'ordre suivant : Yougoslavie, Islande, Hongrie, Bulgarie, Saint-Marin, Chypre, Royaume-Uni, Etats-Unis d'Amérique, Malte, Belgique, Pays-Bas, Roumanie, Saint-Siège, Irlande, Pologne, Suède, Italie, Portugal, Espagne, Turquie, République fédérative tchèque et slovaque, Allemagne, Canada, Monaco, Luxembourg, Grèce, Autriche, Suisse, Union des Républiques socialistes soviétiques, France, Finlande, Liechtenstein, Norvège, Danemark.
7. Les participants sont invités à distribuer avant la Réunion à tous les autres Etats participants, par l'intermédiaire du Secrétariat exécutif, des contributions écrites sur les sujets à examiner dans une ou plusieurs des langues de travail de la CSCE, afin de permettre une préparation approfondie des discussions correspondantes.
8. Le Conseil des ministres prendra en compte les conclusions élaborées au titre du point 5 de l'ordre du jour.

9. La présidence des première et dernière séances plénières sera assurée par un représentant du pays hôte. Après la séance d'ouverture, la présidence sera assurée par rotation quotidienne selon l'ordre alphabétique français des Etats participants, en commençant par un représentant de l'Irlande.

10. La présidence de la première séance de chaque organe de travail subsidiaire sera assurée par un représentant du pays hôte. Pour les séances suivantes, la présidence sera assurée par rotation quotidienne selon l'ordre alphabétique français, en commençant
 - dans l'Organe de travail subsidiaire A, par un représentant de la Suisse;
 - dans l'Organe de travail subsidiaire B, par un représentant de la France;
 - dans l'Organe de travail subsidiaire C, par un représentant de la Roumanie.

11. Conformément au paragraphe 74 des Recommandations finales des Consultations de Helsinki, le Gouvernement de la Suisse désignera un Secrétaire exécutif. Cette désignation sera soumise à l'approbation des Etats participants.

12. Les autres dispositions de procédure, les méthodes de travail et le barème de répartition des dépenses de la CSCE s'appliqueront, mutatis mutandis, à la Réunion d'experts sur les minorités nationales.

ORGANIZATION OF AFRICAN UNITY (OAU)

1. African Charter on Human and Peoples' Rights
(27 June 1981).

**INTERNATIONAL CONFERENCE ON POPULAR PARTICIPATION IN THE
RECOVERY AND DEVELOPMENT PROCESS IN AFRICA**

1. African Charter for Popular Participation in
Development and Transformation (Arusha 1990)

African Charter on Human and Peoples' Rights

Adopted by the 18th Assembly of the Heads of State and Government of the Organization of African Unity (OAU) on 27 June 1981 at Nairobi, Kenya. Not yet entered into force.* As published in U.S. Congress, House of Representatives, Committee on Foreign Affairs, *Human Rights Docs.*, 1983, pp. 155 *et seq.* See also 21 *I.L.M.*, 1982, pp. 59 *et seq.* For the Charter of the OAU, see pp. 1047, *I.O.L. II* 111 *et seq.* and Louis B. Sohn, *Basic Documents of African Regional Organizations*, Oceana Publications, Inc., Dobbs Ferry, N.Y., 1981, Vol. I.

Preamble

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing *inter alia* for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their national and international protection and on the other hand that the

*Entry into force requires ratification by a simple majority of OAU Member States.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:

(a) any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;

(b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favorable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

Chapter II—Duties

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;

2. To serve his national community by placing his physical and intellectual abilities at its service;

3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;

6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States parties to the present Charter shall take the necessary

measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.

2. Every individual may freely, take part in the cultural life of his community.

3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.

2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

mission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

Article 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

Article 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

Chapter II—Mandate of the Commission

Article 45

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:
 - (a) to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments.
 - (b) to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations.
 - (c) co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Endure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a State party, an institution of the OAU or an African Organization recognized by the OAU.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

Chapter III—Procedure of the Commission

Article 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary General of the Organization of African Unity or any other person capable of enlightening it.

Communication From States

Article 47

If a State party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable, and the redress already given or course of action available.

Article 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

Article 49

Notwithstanding the provisions of Article 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organization of African Unity and the State concerned.

Article 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51

1. The Commission may ask the States concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

Article 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on

Part II: Measures of Safeguard

Chapter I—Establishment and Organization of the African Commission on Human and Peoples' Rights

Article 30

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

Article 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

Article 32

The Commission shall not include more than one national of the same State.

Article 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States parties to the present Charter.

Article 34

Each State party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

Article 35

1. The Secretary General of the Organization of African Unity shall invite States parties to the present Charter at least four months before the elections to nominate candidates;

2. The Secretary General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

Article 36

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall ter-

minate after two years and the term of office of the three others, at the end of four years.

Article 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

Article 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

Article 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organization of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

Article 40

Every member of the Commission shall be in office until the date his successor assumes office.

Article 41

The Secretary General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the costs of the staff and services.

Article 42

1. The Commission shall elect its Chairman and Vice Chairman for a two year period. They shall be eligible for re-election.

2. The Commission shall lay down its rules of procedure.

3. Seven members shall form a quorum.

4. In case of an equality of votes, the Chairman shall have a casting vote.

5. The Secretary General may attend the meetings of the Com-

can practices consistent with international norms on human and people's rights, customs generally accepted as law, general principles of law recognized by African states as well as legal precedents and doctrine.

Article 62

Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter.

Article 63

1. The present Charter shall be open to signature, ratification or adherence of the member states of the Organization of African Unity.

2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary General of the Organization of African Unity.

3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the member states of the Organization of African Unity.

Part III: General Provisions

Article 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.

2. The Secretary General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

Article 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of its instrument of ratification or adherence.

Article 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

Article 67

The Secretary General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

Article 68

The present Charter may be amended if a State party makes a written request to that effect to the Secretary General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary General has received notice of the acceptance.

the respect of Human and Peoples' Rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report stating the facts and its findings. This report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

Article 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54

The Commission shall submit to each ordinary Session of the Assembly of Heads of State and Government a report on its activities.

Other Communications

Article 55

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity,
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter,
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity,
4. Are not based exclusively on news discriminated through the mass media,
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter, and
7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.

2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.

3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

Chapter IV—Applicable Principles

Article 60

The Commission shall draw inspiration from international law on human and people's rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members.

Article 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by member states of the Organization of African Unity, Afri-

PREAMBLE

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1. The International Conference on Popular Participation in the Recovery and Development Process in Africa was held, in Arusha, the United Republic of Tanzania from 12 to 16 February 1990, as a rare collaborative effort between African people's organizations, the African governments, non-governmental organizations and the United Nations agencies, in the search for a collective understanding of the role of popular participation in the development and transformation of the region. It was also an occasion to articulate and give renewed focus to the concepts of democratic development, people's solidarity and creativity and self-reliance and to formulate policy recommendations for national governments, popular organizations and the international community in order to strengthen participatory processes and patterns of development. It was the third in a series of major international conferences organized by the Economic Commission for Africa in collaboration with the rest of the United Nations system to contribute to the implementation of the United Nations Programme of Action for African Economic Recovery and Development, 1986-1990 (UN-PAAERD). It came as a sequel to the Abuja International Conference on Africa: The Challenge of Economic Recovery and Accelerated Development held in 1987, and the 1988 Khartoum International Conference on the Human Dimension of Africa's Economic Recovery and Development. It is important to note that the initiative for this Conference came from the submission of the NGOs to the Ad Hoc Committee of the Whole of the General Assembly on the mid-term review and assessment of the implementation of UN-PAAERD in September 1988.

2. The Conference was organized under the auspices of the United Nations Inter-Agency Task Force on the Follow-up on the Implementation of the UN-PAAERD at the Regional Level (UN-IATF) and with the full support and warm hospitality of the government and people of the United Republic of Tanzania. The ECA Conference of Ministers responsible for Economic Development and Planning adopted resolution 6640(XIV) at its twenty-fourth session in which it supported this Conference and urged member states of the Commission, the international community, NGOs and the United Nations system to support and actively participate in it. The Conference was attended by over 500 participants from a wide range of African people's organizations - including, in particular, non-governmental, grass-roots, peasant, women and youth organizations and associations, trade unions and others - as well as representatives of African Governments, agencies of the United Nations system, non-African non-governmental organizations, regional, sub-regional and intergovernmental organizations, bilateral donors, multilateral organizations as well as specialists, both from within and outside Africa. The Conference was opened by H.E. Ali Hassan Mwinyi, President of the United Republic of Tanzania. Opening statements were also made by the representative of the Secretary-General of the United Nations, the Executive Secretary of the Economic Commission for Africa, the representative of the Secretary-General of the Organization of African Unity, the Secretary-General of the Organization of African Trade Union Unity and representatives of the Non-Governmental Organizations, African Women's Organizations and the Pan African Youth Movement. The Conference would like to put on record its appreciation for the full support and warm hospitality of the Government and people of the United Republic of Tanzania.

3. The Conference was organized out of concern for the serious deterioration in the human and economic conditions in Africa in the decade of the 1980s, the recognition of the lack of progress in achieving popular participation and the lack of full appreciation of the role popular participation plays in the process of recovery and development.

4. The objectives of the Conference were to:

- (a) Recognize the role of people's participation in Africa's recovery and development efforts;
- (b) Sensitize national governments and the international community to the dimensions, dynamics, processes and potential of a development approach rooted in popular initiatives and self-reliant efforts;
- (c) Identify obstacles to people's participation in development and define appropriate approaches to the promotion of popular participation in policy formulation, planning, implementation, monitoring and evaluation of development programmes;
- (d) Recommend actions to be taken by Governments, the United Nations system as well as the public and private donor agencies in building an enabling environment for authentic popular participation in the development process and

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INTERNATIONAL CONFERENCE ON POPULAR PARTICIPATION IN
THE RECOVERY AND DEVELOPMENT PROCESS
IN AFRICA

**AFRICAN CHARTER FOR
POPULAR PARTICIPATION IN
DEVELOPMENT AND TRANSFORMATION
(ARUSHA 1990)**

Arusha, United Republic of Tanzania
12 - 16 February 1990

to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation (AAF-SAP) - which was endorsed by the twenty-fifth Assembly of Heads of State and Government of the Organization of African Unity (OAU) held in July 1989, and by the Conference of Heads of the State or Government of Non-Aligned countries held in Belgrade in September 1989 and by the Forty-fourth Session of the General Assembly of the United Nations which invited the international community, including multilateral, financial and development institutions, to consider the framework as a basis for constructive dialogue and fruitful consultation - offers the best framework for such an approach. We also wish in this regard to put on record our disapproval of all economic programmes, such as orthodox Structural Adjustment Programmes, which undermine the human condition and disregard the potential and role of popular participation in self-sustaining development.

10. In our sincere view, popular participation is both a means and an end. As an instrument of development, popular participation provides the driving force for collective commitment for the determination of people-based development processes and willingness by the people to undertake sacrifices and expend their social energies for its execution. As an end in itself, popular participation is the fundamental right of the people to fully and effectively participate in the determination of the decisions which affect their lives at all levels and at all times.

II. PROMOTING POPULAR PARTICIPATION

11. We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitably in its benefits. Therefore, there must be an opening up of political process to accommodate freedom of opinions, tolerate differences, accept consensus on issues as well as ensure the effective participation of the people and their organizations and associations. This requires action on the part of all, first and foremost of the people themselves. But equally important are the actions of the State and the international community, to create the necessary conditions for such an empowerment and facilitate effective popular participation in societal and economic life. This requires that the political system evolve to allow for democracy and full participation by all sections of our societies.

12. In view of the critical contribution made by women to African societies and economies and the extreme subordination and discrimination suffered by women in Africa, it is the consensus of the participants that the attainment of equal rights by women in social, economic and political spheres must become a central feature of a democratic and participatory pattern of development. Further, it is the consensus of this conference that the attainment of women's full participation must be given highest priority by society as a whole and African Governments in particular. This right should be fought for and defended by society, African Non-Governmental Organizations and Voluntary Development Organizations as well as by non-African Non-Governmental Organizations and Voluntary Development Organizations, Governments and the United Nations system in due recognition of the primary role being played by women now and on the course to recovery and transformation of Africa for better quality of life.

People's Role

13. We want to emphasize the basic fact that the role of the people and their popular organizations is central to the realization of popular participation. They have to be fully involved, committed and indeed, seize the initiative. In this regard, it is essential that they establish independent people's organizations at various levels that are genuinely grass-root, voluntary, democratically administered and self-reliant and that are rooted in the tradition and culture of the society so as to ensure community empowerment and self-development. Consultative machinery at various levels should be established with governments on various aspects of democratic participation. It is crucial that the people and their popular organizations should develop links across national borders to promote co-operation and inter-relationships on sub-regional, regional, south-south and south-north bases. This is necessary for sharing lessons of experience, developing people's solidarity and raising political consciousness on democratic participation.

14. In view of the vital and central role played by women in family well-being and maintenance, their special commitment to the survival, protection and development of children, as well as survival of society and their important role in the process of African recovery and

encourage people and their organizations to undertake self-reliant development initiatives;

- (e) Facilitate the exchange of information, experience and knowledge for mutual support among people and their organizations; and,
- (f) Propose indicators for the monitoring of progress in facilitating people's participation in Africa's development.

5. We, the people, engaged in debate and dialogue on the issues involved over the span of four plenary sessions and fourteen workshops during the five-day long International Conference. In the light of our deliberations, we have decided to place on record our collective analysis, conclusions, policy recommendations and action proposals for the consideration of the people, the African Governments and the international community.

1. ASSERTING THE ROLE OF POPULAR PARTICIPATION

6. We are united in our conviction that the crisis currently engulfing Africa, is not only an economic crisis but also a human, legal, political and social crisis. It is a crisis of unprecedented and unacceptable proportions manifested not only in abysmal declines in economic indicators and trends, but more tragically and glaringly in the suffering, hardship and impoverishment of the vast majority of African people. At the same time, the political context of socio-economic development has been characterized, in many instances, by an over-centralization of power and impediments to the effective participation of the overwhelming majority of the people in social, political and economic development. As a result, the motivation of the majority of African people and their organizations to contribute their best to the development process, and to the betterment of their own well-being as well as their say in national development has been severely constrained and curtailed and their collective and individual creativity has been undervalued and underutilized.

7. We affirm that nations cannot be built without the popular support and full participation of the people, nor can the economic crisis be resolved and the human and economic conditions improved without the full and effective contribution, creativity and popular enthusiasm of the vast majority of the people. After all, it is to the people that the very benefits of development should and must accrue. We are convinced that neither can Africa's perpetual economic crisis be overcome, nor can a bright future for Africa and its people see the light of day unless the structures, pattern and political context of the process of socio-economic development are appropriately altered.

8. We, therefore, have no doubt that at the heart of Africa's development objectives must lie the ultimate and overriding goal of human-centered development that ensures the overall well-being of the people through sustained improvement in their living standards and the full and effective participation of the people in charting their development policies, programmes and processes and contributing to their realization. We furthermore observe that given the current world political and economic situation, Africa is becoming further marginalized in world affairs, both geo-politically and economically. African countries must realize that, more than ever before, their greatest resource is their people and that it is through their active and full participation that Africa can surmount the difficulties that lie ahead.

9. We are convinced that to achieve the above objective will require a re-direction of resources to satisfy, in the first place, the critical needs of the people, to achieve economic and social justice and to emphasize self-reliance on the one hand, and, on the other hand, to empower the people to determine the direction and content of development, and to effectively contribute to the enhancement of production and productivity that are required. Bearing this in mind and having carefully analyzed the structure of the African economies, the root causes of the repeated economic crisis and the strategies and programmes that have hitherto been applied to deal with them, we are convinced that Africa has no alternative but to urgently and immediately embark upon the task of transforming the structure of its economies to achieve long-term self-sustained growth and development that is both human centered and participatory in nature. Furthermore, Africa's grave environmental and ecological crisis cannot be solved in the absence of a process of sustainable development which commands the full support and participation of the people. We believe in this context that the African Alternative Framework

on the United Nations system to implement its own decision to have at least 30 per cent of senior positions held by women. Special efforts are needed to ensure that African women are adequately represented at senior levels in United Nations agencies, particularly those operating in Africa.

III. POPULAR PARTICIPATION IN DEVELOPMENT

23. On the basis of the foregoing, we lay down the following basic strategies, modalities and actions for effective participation in development.

A. At the level of Governments

1. African Governments must adopt development strategies, approaches and programmes, the content and parameters of which are in line with the interest and aspirations of the people and which incorporate, rather than alienate, African values and economic, social, cultural, political and environmental realities.
2. We strongly urge African Governments to promote the formulation and implementation of national development programmes within the framework of the aforesaid aspirations, interests and realities, which develop as a result of a popular participatory process, and which aim at the transformation of the African economies to achieve self-reliant and self-sustaining people-centered development based on popular participation and democratic consensus.
3. In implementing these endogenous and people-centered development strategies, an enabling environment must be created to facilitate broad-based participation, on a decentralized-basis, in the development process. Such an enabling environment is an essential pre-requisite for the stimulation of initiatives and creativity and for enhancing output and productivity by actions such as:
 - (i) extending more economic power to the people through the equitable distribution of income, support for their productive capacity through enhanced access to productive inputs, such as land, credit, technology, etc., and in such a manner as to reflect the central role played by women in the economy;
 - (ii) promoting mass literacy and skills training in particular and development of human resources in general;
 - (iii) greater participation and consensus-building in the formulation and implementation of economic and social policies at all levels, including the identification and elimination of laws and bureaucratic procedures that pose obstacles to people's participation;
 - (iv) increasing employment opportunities for the rural and urban poor, expanding opportunities for them to contribute to the generation of output and enhanced productivity levels and creating better marketing conditions for the benefit of the producers; and,
 - (v) strengthening communication capacities for rural development, mass literacy etc.
4. Small-scale indigenous entrepreneurship and producers co-operatives, as forms of productive participatory development, should be promoted and actions should be taken to increase their productivity.
5. Intensifying the efforts to achieve sub-regional and regional economic co-operation and integration and increased intra-African trade.

B. At the level of the people and their organizations

To foster participation and democratic development, the people and their organizations should:

reconstruction, special emphasis should be put by all the people in terms of eliminating biases particularly with respect to the reduction of the burden on women and taking positive action to ensure their full equality and effective participation in the development process.

15. Having said this, we must underscore that popular participation begins and must be earnestly practiced at the family level, because home is the base for development. It must also be practiced at the work place, and in all organizations, and in all walks of life.

Role of African Governments

16. We strongly believe that popular participation is dependent on the nature of the State itself and ability of Government to respond to popular demand. Since African Governments have a critical role to play in the promotion of popular participation, they have to yield space to the people, without which popular participation will be difficult to achieve. Too often, the social base of power and decision-making are too narrow. Hence the urgent need to broaden these; to galvanize and tap the people's energy and commitment; and to promote political accountability by the State to the people. This makes it imperative that a new partnership between African Governments and the people in the common interest of societal and accelerated socio-economic development should be established without delay. This new partnership must not only recognize the importance of gender issues but must take action to ensure women's involvement at all levels of decision-making. In particular Governments should set themselves specific targets for the appointment of women in senior policy and management posts in all sectors of government.

17. We believe that for people to participate meaningfully in their self-development, their freedom to express themselves and their freedom from fear must be guaranteed. This can only be assured through the extension and protection of people's basic human rights and we urge all Governments to vigorously implement the African Charter on Human and People's Rights and the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize and the Convention on the Elimination of All Forms of Discrimination Against Women.

18. We also believe that one of the key conditions for ensuring people's participation throughout the continent is the bringing to an end of all wars and armed conflicts. The millions of African refugees and displaced persons are those with least opportunity to participate in the determination of their future. We urge Governments and all parties to Africa's conflicts, domestic and external, to seek peaceful means of resolving their differences and of establishing peace throughout Africa. In situations of armed conflicts, we uphold the right of civilians to food and other basic necessities and emphasize that the international community must exercise its moral authority to ensure that this right is protected.

19. We cannot overemphasize the benefits that can be reaped if, with the elimination of internal strife or inter-country conflicts, the resources spent on defence were to be redirected to productive activities and social services to the people. As rightly noted in the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation, "it is not difficult to imagine what it would mean to social welfare in Africa, with all its positive multiplier effects, if a saving can be achieved in defence spending and non-productive expenditures". We believe that our Governments can make such savings and we call upon them to do so urgently.

20. We are, however, aware of certain situations, particularly, for the Front-line States which continue to face the destabilization acts of apartheid South Africa. This destabilization results in a debilitating diversion of resources that would otherwise have been used to meet critical basic needs of the people in these countries.

Role of the International Community

21. We call on the international community to examine its own record on popular participation, and hereafter to support indigenous efforts which promote the emergence of a democratic environment and facilitate the people's effective participation and empowerment in the political life of their countries.

22. We also call on the United Nations system to intensify its effort to promote the application of justice in international economic relations, the defence of human rights, the maintenance of peace and the achievement of disarmament and to assist African countries and people's organizations with the development of human and economic resources. We also call

7. Supporting African NGOs, grass-roots organizations, women's and youth organizations and trade unions in activities such as training, networking and other programme activities, as well as the documentation, and wide dissemination of their experiences.

D. At the level of NGOs and VDOs

The African and non-African NGOs and VDOs have an important role in supporting recovery and development efforts and popular participation initiatives and organizations in Africa. They are urged to take the following actions:

1. African NGOs and VDOs and their partners should be fully participatory, democratic and accountable.
2. African NGOs, VDOs and GROs should develop and/or strengthen institutional structures at the regional sub-regional and national levels, such as FAVDO, to bring them together.
3. African NGOs and VDOs should broaden the dissemination of successful African popular participation and grass-root experiences throughout the continent and the exchange of experience thereon to create a multiplier effect and sensitize policy-makers.
4. The International Conference on Popular Participation is clear in its recognition of the value of the contribution of grass-roots organizations and NGOs to Africa's development and demonstrates that effective dialogue between governments, NGOs and grass-roots organizations is essential and valuable. This Conference recommends that national fora be established to enable honest and open dialogue between African Governments, grass-roots organizations and NGOs in order that the experience of grass-roots participatory development informs national policy-making.
5. Non-African NGOs and VDOs should give increased support and target their operations within the framework of national economic strategies and reform programmes aimed at transforming the structures of the African economies with a view to internalizing the development process and ensuring its sustainability with a particular focus on the human dimension and people's participation.
6. Non-African NGOs and VDOs should give due recognition to African NGOs and participatory, self-reliant development initiatives launched by African grass-roots organizations.
7. Non-African NGOs and VDOs should utilize African expertise to the maximum extent possible with regard to their development work in Africa and advocacy and campaigning work at the international level.
8. Non-African NGOs should strengthen their advocacy work internationally and in their home countries and with regard to bilateral donors and the multilateral system, closely monitoring their response to the African crisis and holding donor governments and agencies accountable for their policies and actions. In particular, non-African and African NGOs should formulate a programme of action geared towards their fullest participation in the end-term review of UN-PAAERD.
9. Co-operation and dialogue between African and Non-African NGOs and VDOs should be strengthened to increase the effectiveness of their interventions at the community level and the building of greater understanding on the part of international public opinion of the real causes of the African socio-economic crisis and the actions that are needed to deal with its root causes.
10. Non-African NGOs acknowledge that their influence as donors is often detrimental to ensuring genuine partnership with African NGOs, VDOs and grass-root organizations and affects the enabling environment for popular participation. In that context co-operation in all its forms must be transparent and reflect African priorities.

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1. Establish autonomous grass-roots organizations to promote participatory self-reliant development and increase the output and productivity of the masses.
 2. Develop their capacity to participate effectively in debates on economic policy and development issues. This requires building people's capacity to formulate and analyze development programmes and approaches.
 3. Promote education, literacy skill training and human resource development as a means of enhancing popular participation.
 4. Shake off lethargy and traditional beliefs that are impediments to development, especially the customs and cultural practices that undermine the status of women in society, while recognizing and valuing those beliefs and practices that contribute to development. Rural and urban people's organizations, such as workers, peasants, women, youth, students etc., should be encouraged to initiate and implement strategies to strengthen their productive power and meet their basic needs.
 5. Concerted efforts should be made to change prevailing attitudes towards the disabled so as to integrate them and bring them into the main stream of development.
 6. Create and enhance networks and collaborative relationships among peoples organizations. This will have the effect of social involvement capable of inducing social change.
 7. People's organizations should support strongly and participate in the efforts to promote effective sub-regional and regional economic co-operation and integration and intra-African trade.

C. At the level of the International Community

We also call on the international community to support popular participation in Africa by:

1. Supporting African countries in their drive to internalize the development and transformation process. The IMF, World Bank and other bilateral and multilateral donors are urged to accept and support African initiatives to conceptualize, formulate and implement endogenously designed development and transformation programmes.
2. Directing technical assistance programmes, first and foremost, to the strengthening of national capabilities for policy analysis and the design and implementation of economic reform and development programmes.
3. Fostering the democratization of development in African countries by supporting the decentralization of development processes, the active participation of the people and their organizations in the formulation of development strategies and economic reform programmes and open debate and consensus - building processes on development and reform issues.
4. Allowing for the release of resources for development on a participatory basis which will require the reversal of the net outflow of financial resources from Africa to the multilateral financial institutions and donor countries and their use for development purposes and for the benefit of the people.
5. Reducing drastically the stock of Africa's debt and debt-servicing obligations and providing a long-term period of moratorium on remaining debt-servicing obligations in order to release resources for financing development and transformation on a participatory basis.
6. Ensuring that the human dimension is central to adjustment programmes which must be compatible with the objectives and aspirations of the African people and with African realities and must be conceived and designed internally by African countries as part and parcel of the long-term objectives and framework of development and transformation.

- 1710
7. Give special attention to effective and democratic participation of women members at all levels of trade unions.
 8. Promote work place democracy through the call for the protection of workers' rights to freedom of association, collective bargaining and participatory management.

H. At the level of youth and students and their organizations

Considering the centrality of the youth and students in Africa's population and the recovery and development process, the following actions should be taken:

1. Preparation and adoption of an African Charter on Youth and Student Rights to include the right to organize, education, employment and free and public expression.
2. The full democratic participation of youth and students in African society requires immediate steps by Government, popular organizations, parents and the youth themselves to eliminate the major impediments to youth participation, such as frequent bans on youth and student organizations, police brutality against unarmed protesting students, detention and harassment on campuses, dismissal from studies and the frequent and arbitrary closure of educational institutions.
3. Youth, students, Governments and the international community must join forces urgently to combat growing drug trafficking and drug abuse. We also urge Governments to sign and ratify the International Convention on the Illicit Trafficking of Drugs and Psychotropic Substances.
4. The advancement of youth participation in development also requires the protection of Africa's minors against forced military service, whether in national or insurgent/rebel groups.
5. African youth and students should organize national autonomous associations to participate in and contribute to development activities and programmes such as literacy, reforestation, agriculture and environmental protection.
6. Student and youth organizations must also strive to be democratic, accountable, voluntary and autonomous and should co-ordinate their activities with workers', women's and peasant organizations.
7. National youth and student organizations should take urgent steps to strengthen and further democratize existing pan-African youth and student organizations to make them play their roles more effectively in Africa's development process.

IV. MONITORING POPULAR PARTICIPATION

24. We proclaim the urgent necessity to involve the people in monitoring popular participation in Africa on the basis of agreed indicators and we propose the use of the following indicators, which are not necessarily exhaustive, for measuring the progress in the implementation of the recommendations of the Charter.

1. The literacy rate, which is an index of the capacity for mass participation in public debate, decision-making and general development processes;
2. Freedom of association, especially political association, and presence of democratic institutions, such as political parties, trade unions, people's grass-root organizations and professional associations, and the guarantee of constitutional rights.
3. Representation of the people and their organizations in national bodies.
4. The rule of law and social and economic justice, including equitable distribution of income and the creation of full employment opportunities.

11. African and non-African NGOs and VDOs should, in addition to their traditional humanitarian activities, increasingly provide support for the productive capacities of the African poor and for promoting environmentally sound patterns of local development.

E. At level of the Media and communication

1. The national and regional media should make every effort to fight for and defend their freedom at all cost, and make special effort to champion the cause of popular participation and publicize activities and programmes thereof and generally provide access for the dissemination of information and education programmes on popular participation.
2. Combining their indigenous communication systems with appropriate use of modern low-cost communications technology, African communities and NGOs, VDOs and trade unions and other mass organizations must strengthen their communication capacities for development. Regional and national NGOs should participate in the assessment of Africa's Development Support Communication Needs to be carried out under the auspices of the United Nations Steering Committee and the United Nations Inter-Agency Task Force on UN-PAAERD.

F. At the level of women's organizations

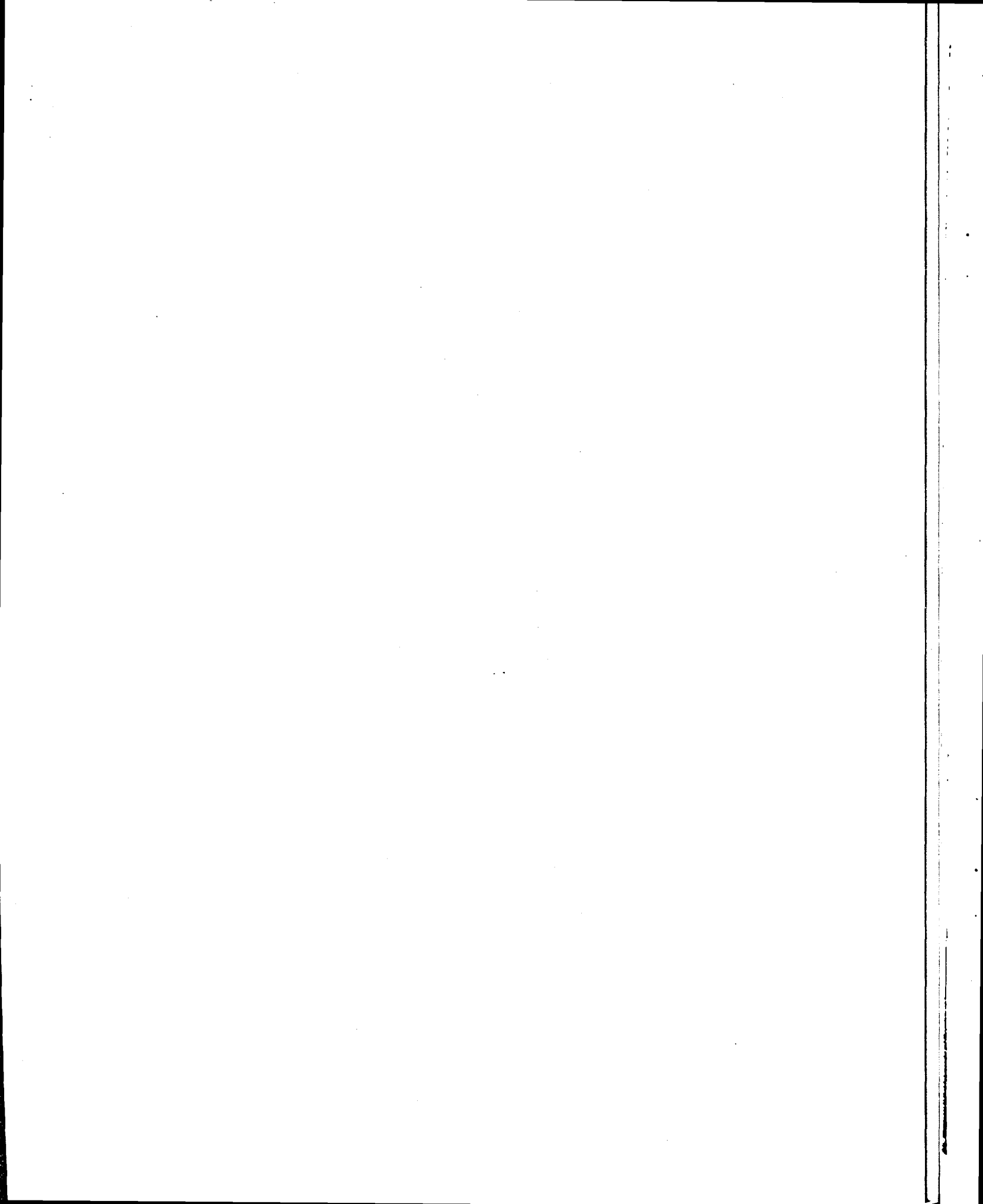
In ensuring that the participation of women in the development process is advanced and strengthened, popular women's organizations should:

1. Continue to strengthen their capacity as builders of confidence among women;
2. Strive for the attainment of policies and programmes that reflect and recognize women's roles as producers, mothers, active community mobilizers and custodians of culture;
3. Work to ensure the full understanding of men, in particular, and the society, in general, of women's role in the recovery and transformation of Africa so that men and women together might articulate and pursue appropriate courses of action;
4. Implement measures to reduce the burden carried by women through: (a) advocating to the society at large, including central and local government levels, the importance of task sharing in the home and community, especially in the areas of water and wood fetching, child rearing etc.; (b) promoting the establishment and proper functioning of community-based day care centers in all communities; and, (c) striving to attain economic equality by advocating the rights of women to land and greater access to credit.
5. Women's organizations should be democratic, autonomous and accountable organizations.

G. At the level of organized labour

Trade Unions should:

1. Be democratic, voluntary, autonomous and accountable organizations.
2. Initiate, animate and promote mass literacy and training programmes.
3. Organize and mobilize rural workers in accordance with ILO Convention 141, which African Governments are strongly urged to ratify.
4. Defend trade union rights, in particular the right to strike.
5. Assist in the formation of workers' co-operatives.
6. Assist in organizing the unemployed for productive activities, such as the establishment of small and medium scale enterprises.



5. Protection of the ecological, human and legal environment.
6. Press and media freedom to facilitate public debate on major issues.
7. Number and scope of grassroots organizations with effective participation in development activities, producers and consumers co-operatives and community projects.
8. Extent of implementation of the Abuja Declaration on Women (1989) in each country.
9. Political accountability of leadership at all levels measured by the use of checks and balances;
10. Decentralization of decision-making processes and institutions.

25. We are convinced of the imperative necessity to follow-up and monitor the implementation of this Charter and to report periodically thereon on progress achieved as well as problems encountered. We accordingly recommend that at the national level a follow-up mechanism on which representatives at high level of Government, trade unions, women's organizations, NGOs, VDOs, grass-roots and youth and student organizations will be members.

26. At the regional level, we propose a joint OAU/ECA Regional Monitoring Machinery on which also, in addition to representatives of these two organizations will be representatives of the network of organizations named above. This regional monitoring group will submit biennial progress reports on the implementation of the Charter to the ECA Conference of Ministers and the Assembly of Heads of State and Government of the OAU.

CONCLUSION

27. This Conference has taken place during a period when the world continues to witness tumultuous changes in Eastern Europe. Even more dramatically, this Conference has taken place during the very week when Nelson Mandela's release has exhilarated all of Africa, and galvanized the international community.

28. There is an inescapable thread of continuity between those events and our Conference; it is the power of people to effect momentous change. At no other time in the post-war period has popular participation had so astonishing and profound an impact.

29. History and experience both teach that this world never works in compartments. The forces of freedom and democracy are contagious. Inevitably, and irresistibly, popular participation will have a vital role to play on the continent of Africa, and play that role we will.

30. It is manifestly unacceptable that development and transformation in Africa, can proceed without the full participation of its people. It is manifestly unacceptable that the people and their organizations be excluded from the decision-making process. It is manifestly unacceptable that popular participation be seen as anything less than the centerpiece in the struggle to achieve economic and social justice for all.

31. In promoting popular participation, it is necessary to recognize that a new partnership and compact must be forged among all the ACTORS in the process of social, political and economic change. Without this collective commitment, popular participation is neither possible nor capable of producing results. We, therefore, pledge to work together in this new partnership to promote full and effective participation by the masses together with Governments in the recovery and development process in Africa.

32. We, the people here assembled, have no illusion that the Charter will be embraced overnight by all of those to whom it is directed. But we are confident that this document is an indispensable step on the road to everything we would wish for the people of Africa.

Done at Arusha, The United Republic of Tanzania
16 February 1990

INTERNATIONAL CONFERENCE ON POPULAR PARTICIPATION
IN THE RECOVERY AND DEVELOPMENT PROCESS IN AFRICA
POPULAR PARTICIPATION DAY IN AFRICA

The Conference:

Recognizing that without popular participation there can be no true and lasting development for Africa,

Rejoicing that this Conference coincided with the release of Nelson Mandela on 11 February 1990 who sacrificed his freedom for his belief in the right of the people to decide their own future,

Recognizing that Governments, agencies of the United Nations system and non-governmental organizations are giving increased importance to the role of participation as a means to and an end of development,

Affirming the need to acknowledge the efforts and sacrifices of grass-roots and people's organizations to make popular participation a reality,

Resolves that henceforth the eleventh day of February each year should be proclaimed Popular Participation Day in Africa,

Recommends that the Executive Secretary of ECA should bring this resolution before the forthcoming meeting of the ECA Conference of Ministers in May 1990 and thereafter to the General Assembly of the United Nations at its Forty-fifth Session as well as to the Fifty-second Session of the Council of Ministers of the OAU and the Twenty-sixth Session of the Assembly of Heads of State and Government of the OAU.

TRANSMITTAL OF THE AFRICAN CHARTER FOR
POPULAR PARTICIPATION IN DEVELOPMENT
AND TRANSFORMATION (ARUSHA, 1990)

TO THE ASSEMBLY OF HEADS OF STATE
OF THE OAU AND UN GENERAL ASSEMBLY

The Conference:

Recalling General Assembly resolution S-13/2 on the United Nations Programme of Action for African Economic Recovery and Development, 1986-1990 (UN-PAAERD),

Recalling also General Assembly resolution 43/27 and its annex on the mid-term review and appraisal of the implementation of UN-PAAERD,

Mindful of ECA Conference of Ministers resolution 664 (XXIV) entitled "International Conference on Popular Participation in the Recovery and Development Process in Africa",

1. Requests the Executive Secretary of ECA to submit the CHARTER to the Sixteenth Meeting of the ECA Conference of Ministers,
2. Invites the Secretary-General at the OAU in collaboration with the Executive Secretary of ECA to submit the CHARTER to the Fifty-second Session of the Council of Ministers of the OAU.

INTERNATIONAL CONFERENCE ON HUMAN RIGHTS AT TEHERAN

1. The Proclamation of Teheran (13 May 1968)

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under article 8;
- (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
- (c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

B. THE PROCLAMATION OF TEHERAN**5. Proclamation of Teheran**

Proclaimed by the International Conference on Human Rights at Teheran on 13 May 1968

The International Conference on Human Rights,

Having met at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future,

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Bearing in mind the resolutions adopted by the Conference,

Noting that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change,

Having regard to the new opportunities made available by the rapid progress of science and technology,

Believing that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before,

Recognizing that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms,

Solemnly proclaims that:

1. It is imperative that the members of the international community fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions;

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and

inviolable rights of all members of the human family and constitutes an obligation for the members of the international community;

3. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination as well as other conventions and declarations in the field of human rights adopted under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations, have created new standards and obligations to which States should conform;

4. Since the adoption of the Universal Declaration of Human Rights the United Nations has made substantial progress in defining standards for the enjoyment and protection of human rights and fundamental freedoms. During this period many important international instruments were adopted but much remains to be done in regard to the implementation of those rights and freedoms;

5. The primary aim of the United Nations in the sphere of human rights is the achievement by each individual of the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country;

6. States should reaffirm their determination effectively to enforce the principles enshrined in the Charter of the United Nations and in other international instruments that concern human rights and fundamental freedoms;

7. Gross denials of human rights under the repugnant policy of *apartheid* is a matter of the gravest concern to the international community. This policy of *apartheid*, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is therefore imperative for the international community to use every possible means to eradicate this evil. The struggle against *apartheid* is recognized as legitimate;

8. The peoples of the world must be made fully aware of the evils of racial discrimination and must join in combating them. The implementation of this principle of non-discrimination, embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and other international instruments in the field of human rights, constitutes a most urgent task of mankind at the international as well as at the national level. All ideologies based on racial superiority and intolerance must be condemned and resisted;

9. Eight years after the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples the problems of colonialism continue to preoccupy the international community. It is a matter of urgency that all Member States should co-operate with the appropriate organs of the United Nations so that effective measures can be taken to ensure that the Declaration is fully implemented;

10. Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold human misery, engender reactions which could engulf the world in ever growing hostilities. It is the obligation of the international community to co-operate in eradicating such scourges;

11. Gross denials of human rights arising from discrimination on grounds of race, religion, belief or expressions of opinion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world;

12. The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community. The failure of the Development Decade to reach its modest objectives makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap;

13. Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development;

14. The existence of over seven hundred million illiterates throughout the world is an enormous obstacle to all efforts at realizing the aims and purposes of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights. International action aimed at eradicating illiteracy from the face of the earth and promoting education at all levels requires urgent attention;

15. The discrimination of which women are still victims in various regions of the world must be eliminated. An inferior status for women is contrary to the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights. The full implementation of the Declaration on the Elimination of Discrimination against Women is a necessity for the progress of mankind;

16. The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine freely and responsibly the number and the spacing of their children;

17. The aspirations of the younger generation for a better world, in which human rights and fundamental freedoms are fully implemented, must

17. The aspirations of the younger generation for a better world, in which human rights and fundamental freedoms are fully implemented, must be given the highest encouragement. It is imperative that youth participate in shaping the future of mankind;

18. While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention;

19. Disarmament would release immense human and material resources now devoted to military purposes. These resources should be used for the promotion of human rights and fundamental freedoms. General and complete disarmament is one of the highest aspirations of all peoples;

Therefore,

The International Conference on Human Rights,

1. *Affirming* its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field,

2. *Urges* all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.

C. THE RIGHT OF SELF-DETERMINATION

6. Declaration on the Granting of Independence to Colonial Countries and Peoples

General Assembly resolution 1514 (XV) of 14 December 1960

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out

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