

世界人権宣言

(1948年)

異なる国籍と背景を持つ活動家たちが2年に亘って協力し、前例のない普遍的な人権宣言を創り上げた。それは全人類の基本的な人権を明確に定義するため、偏狭な政治的・宗教的・文化的・イデオロギー的信仰を超越するものとなるだろう。

1946年、さまざまな背景を持つ18名の委員から成る国際人権委員会が国連内部に結成された。議長は元ファーストレディのエレノア・ルーズヴェルト。ルーズヴェルト夫人は、カナダの法学教授ジョン・ピーターズ・ハンフリーに、さまざまな見解の渦巻く国連が受け入れることのできる国際的な人権法案を起草するという頭の痛い課題を与えた。

ハンフリーらは、過去に制作された歴史的な権利文書を詳しく調べ上げ、この仕事の指針となり得る408頁の報告書を提出した。それからフランスの委員ルネ・カサンがハンフリーの資料を用いて最初の草稿を書いたが、彼はそれを「ナポレオン法典」に倣って構成した。

小委員会の最終稿が後に委員によって議論され、国連総会に提出された。1948年12月10日にパリで行なわれた投票により、賛成48票、反対0、欠席2、棄権8の結果を得た。

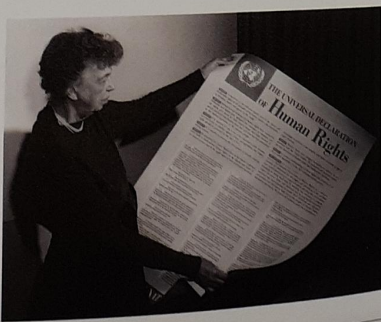
起草者委員会の委員であるチリのエルナン・サンタ・クルスは後に回想する、「私は自分が真に重要な歴史的事件に参加しているのだとはっきり解りました……世界中から集まった男女の間に純粋な連帯

と友愛の雰囲気がありました。あの雰囲気は、どんな国際会議でも2度と味わえませんでした」。

世界人権宣言は謳う、「すべて人は、人種、皮膚の色、性、言語、宗教、政治上その他の意見、国民的若しくは社会的出身、財産、門地その他の地位又はこれに類するいかなる事由による差別をも受けることなく、この宣言に掲げるすべての権利と自由とを享有することができる」。その30条の条文は、全世界の全ての人に、生命、自由及び身体の安全に対する権利を初めとする各種の基本的な個人の自由を認めている。この宣言は奴隷制と拷問を禁じ、法の下での平等を要求する。誰もが教育を受ける権利を持ち、自由に文化活動に参加することが許される。基本的権利を侵害する行為に対しては効果的な救済を受ける権利を有する。

世界初の普遍的な人権の表明であることからして、国連によるこの宣言は歴史上の里程碑となる文書であるが、完全に遵守されているとは言えない。

オリジナル・テキストは国連のウェブサイトでも439の言語で参照することができる。その採用の記念日は「世界人権の日」とされている。



エレノア・ルーズヴェルト。国際人権委員会議長。印刷された英語版のポスターを検討している。次頁はそのポスター。



THE HUMAN RIGHTS DECLARATION OF HUMAN RIGHTS

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disregard and contempt for the conscience of mankind, and the extent of which human beings should enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

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

It is essential to promote the development of friendly relations among nations.

The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom.

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

A common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

THE GENERAL ASSEMBLY, CONSIDERING this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

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

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

3. 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.

4. Everyone has the right to life, liberty and the pursuit of happiness.

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

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

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

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

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

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

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

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

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

13. 1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

1. Everyone has the right to work and to enjoy in other countries such freedom from restriction.

2. This right may not be invoked in the case of restrictions genuinely arising from non-political crises to which any country is the party and in which the United Nations is concerned.

3. Everyone has the right to a nationality.

4. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

5. Marriage shall be entered into only with the free and full consent of the intending spouses.

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

7. Everyone has the right to own property alone as well as in association with others.

8. No one shall be arbitrarily deprived of his property.

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

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

11. 1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

12. 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed by periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

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

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

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

3. Everyone who works has the right to just and favourable remuneration

including the himself and his family, suitable security of tenure, dignity and compensation. If necessary, by other means of social protection.

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

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

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

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

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

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

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

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

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

17. Everyone is entitled to a fair and equitable order in which his rights and freedoms set forth in this Declaration can be fully realized.

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

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

20. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

21. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Approved by the United Nations General Assembly on 10 December 1948 at the 21st Session, 1948

