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DECLARATION OF RESPONSIBILITIES AND HUMAN DUTIES

Fundación Valencia Tercer Milenio

tercermilenio@valenciatercermilenio.org and <http://www.valenciatercermilenio.org>

**ADOPTED BY A HIGH-LEVEL GROUP CHAIRED BY RICHARD J. GOLDSTONE
UNDER THE AUSPICES OF THE CITY OF VALENCIA AND UNESCO INITIATED
AND ORGANISED BY THE VALENCIA THIRD MILLENNIUM FOUNDATION**

Preamble

The High-Level Group,

R reaffirming that respect for the dignity and equal rights of all human beings as enshrined in the Universal Declaration of Human Rights is the inalienable foundation for peace, democracy, human security, freedom, justice and development in the world,

R reiterating the universal significance, global reach and indivisibility of the rights enunciated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments,

C oncerned that, fifty years after the adoption of the Universal Declaration of Human Rights, and subsequent to the adoption of other human rights instruments, disregard and gross violations of human rights and fundamental freedoms continue to outrage the conscience of humankind,

A ware that the effective enjoyment and implementation of human rights and fundamental freedoms is inextricably linked to the assumption of the duties and responsibilities implicit in those rights,

R reaffirming that States, both in their individual capacity and as the constituent members of inter-governmental organisations, continue to exercise the primary duty and responsibility for the promotion and enforcement of human rights and fundamental freedoms,

*R*ecognising the important contribution that non-governmental organisations, citizen associations and human rights defenders have made and continue to make to the promotion and protection of human rights and fundamental freedoms,

*C*onscious of the increasing power and influence exercised by private and public corporations in the global order,

*R*ecognising that all collectives within the global community are composed of individuals and that individuals share an obligation to respect, promote and implement human rights and fundamental freedoms,

*R*ecalling that Article 29 of the Universal Declaration of Human Rights recognises that individuals have duties and responsibilities towards their communities, and therefore

*E*mphasising that the assumption of the duties and responsibilities implicit in human rights and fundamental freedoms rests upon all members of the global community, including States, international, regional and sub-regional inter-governmental organisations, the private and public sectors, non-governmental organisations, citizen associations, other representatives of civil society as well as all individual members of the human family,

*S*tressing the significant relationship between the effective implementation of human rights and fundamental freedoms, human security, a healthy and stable environment, the freedom of the media and the arts, and a culture of peace, and therefore

*R*eaffirming that respect for human rights, fundamental freedoms and the rule of law, the meeting of basic human needs through the principle of sustainable human development, promotion of a healthy and stable environment, and the achievement of social equity are as important to global peace and human security as are collective security arrangements and disarmament,

*C*oncerned by the great disparities in wealth, socio-economic, scientific and technological development between economically more endowed States and economically less endowed States, as well as their uneven participation and roles in global decision-making,

*R*ecognising that international co-operation, broad based participation and the equitable sharing of resources and the benefits of scientific and technological progress are all necessary for the achievement of an equitable global order in which human rights, fundamental freedoms, the meeting of basic human needs and the security of all humankind can be achieved,

*M*indful that new and evolving local, national, sub-regional, regional and global mechanisms will be required to implement and enforce human rights, fundamental freedoms and human security in all circumstances,

*R*ecognising the changes that new technologies, scientific development and the process of globalisation have brought about, and aware of the need to address their impact upon and potential consequences for human rights and fundamental freedoms,

Bearing in mind that managing globalisation requires equitable global and regional solutions based on the precepts of both joint and individual responsibility and solidarity,

Recognising the contribution of all cultures, traditions and civilisations within the framework of universal and indivisible human rights and fundamental freedoms,

Affirming that there is an abiding responsibility to promote and protect diversity in the human family and to respect the rights of minorities,

Further recognising that the rights and identity of indigenous peoples of the world, in particular in relation to their culture, traditions and relationship to their lands, must be upheld,

Stressing that women's rights are human rights and that substantive equality must be achieved for women in every aspect of national and international life and that effective steps must be taken to eradicate violence against women in all its manifestations,

Asserting the special and conscious need to protect and enforce the rights of the child, the elderly and those suffering from a physical or mental disability,

Convinced of the need for all members of the human family to strive for the realisation of human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments,

Hereby adopts the text of a Declaration of Human Duties and Responsibilities, and

Requests its Chairman, Justice Richard J. Goldstone, to present it to the Director-General of the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

Chapter 1

General Provisions

Article 1

Definition of Duties and Responsibilities

For the purposes of this Declaration, unless the context indicates otherwise:

- (a) "duty" means an ethical or moral obligation;
- (b) "responsibility" means an obligation that is legally binding under existing international law;
- (c) "global community" means States - including their governments, legislatures and judicial institutions -, international, regional and sub-regional intergovernmental organisations, non-governmental organisations, public and private sector corporations, including transnational corporations, other entities of civil society, peoples, communities and individuals taken as a collective.

Article 2

Bearers of Duties and Responsibilities

1 Members of the global community have collective, as well as individual duties and responsibilities, to promote universal respect for and observance of human rights and fundamental freedoms.

2 States have a duty and a responsibility to adopt all legislative, administrative, policy and other steps necessary to ensure respect, and to enforce and proactively promote, within their territory or under their jurisdiction, human rights and fundamental freedoms in all circumstances, including situations of armed conflict.

3 States have a further duty to take appropriate action, within the framework of the principles of international law, to promote the implementation of the human rights and freedoms of all humankind in all circumstances, including situations of armed conflict.

4 Competent inter-governmental organisations have a duty, in accordance with their mandates, to promote awareness of and to respect human rights and fundamental freedoms; to monitor compliance by States and other entities with a responsibility to respect and enforce human rights and fundamental freedoms; to assist States in the implementation of human rights and fundamental freedoms, and to use advocacy to help enforce human rights and fundamental freedoms.

5 Relevant non-governmental organisations have a duty to respect and promote, as best they are able, awareness of human rights and fundamental freedoms; to monitor compliance by States and other entities; to assist States and inter-governmental organisations in the monitoring and implementation of human rights and fundamental freedoms; and to use advocacy to help enforce human rights and fundamental freedoms.

6 Public and private corporations, especially transnational corporations, have a duty to respect, promote and implement human rights and fundamental freedoms in all spheres of their activities.

7 As the holders of human rights and fundamental freedoms, all individuals, peoples and communities in the exercise of their rights and freedoms, have the duty and responsibility to respect those of others, and a duty to strive for the promotion and observance thereof.

Chapter 2

The Right to Life and Human Security

Article 3

The Duty and Responsibility to Protect Life and Ensure the Survival of Both Present and Future Generations

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to protect the right to life of every member of the human family, and shall ensure the survival of present and future generations -unencumbered by war and violent conflict, gross and systematic human rights violations, extreme poverty, hunger, disease and environmental destruction.

2 States have the primary duty and responsibility to respect and ensure the right to life of all within their territory and under their jurisdiction. In accordance with this duty and responsibility States shall take all necessary measures to prevent the deprivation of life by the State and its officials, and shall take positive and effective measures to protect and enforce the right to life.

3 Individuals and non-State actors have a duty and a responsibility to respect life, and have a duty to take reasonable steps to help others whose lives are threatened, or who are in extreme distress or need.

Article 4

The Duty and Responsibility to Promote Collective Security and a Culture of Peace

1 Members of the global community have collective, as well as individual duties and responsibilities, to promote a culture of peace by taking appropriate action to prevent war and foster international peace, collective security and co-operation.

2 States have a duty and a responsibility to refrain from acts of war, aggression, the use of force or the threat of force in their international relations in accordance with the Charter of the United Nations, and have a duty and a responsibility to promote global security through collective security arrangements and mechanisms established in accordance with the United Nations Charter.

3 Competent inter-governmental organisations have a duty and responsibility to promote conflict prevention and promote peaceful means of resolving inter-State and intra-State conflicts or disputes in accordance with the Charter of the United Nations. In particular, the Security Council of the United Nations has a duty and a responsibility to set up a standing peacekeeping force as provided for in Chapter 7 of the United Nations Charter. Regional and sub-regional entities endowed with the necessary powers should be encouraged to enhance their peacekeeping capabilities and play an active peacekeeping role in their regions.

4 States have a duty to build and/ or enhance mediation, conflict prevention and post-conflict peace-building mechanisms and should contribute to and strengthen local, sub-regional, regional and international conflict resolution and peacekeeping capacities.

5 States, competent inter-governmental organisations, and relevant non-governmental organisations and other entities of civil society have a duty to promote a culture of peace by encouraging people, especially children and young people to establish friendly relations with other peoples, and to educate them in methods for the peaceful resolution of conflicts.

Article 5

The Duty to Promote Disarmament in the Interests of Peace

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to promote rapid and effective disarmament in the interests of peace.

2 States have a duty to reduce military expenditure in order to increase the resources available for human development, and should actively reorient the composition and role of their military establishments towards professional armies mandated with greater peacekeeping, peace-building and civic responsibilities.

3 States and non-State actors have a duty, and in accordance with emerging norms of international law, a responsibility, to promote and carry out effective nuclear disarmament under strict international controls with a view to the total elimination of nuclear weapons.

4 States and non-State actors have a duty, and a responsibility, to cease the development, improvement, production, procurement, proliferation, and use of all chemical and biological weapons and other weapons of mass destruction, and shall destroy all such weapons under strict international controls.

5 States and non-State actors have a duty, and in accordance with emerging norms of international law, a responsibility, to cease the development, production, procurement and use of landmines and should destroy all stockpiles of landmines.

6 States have a duty to exercise restraint in the production and stockpiling of conventional weapons, including small arms. In accordance with this duty, States should ensure that their production and acquisition of arms do not exceed their legitimate self-defence and security requirements.

7 States have a duty to maintain strict legal and physical controls over the trade and transfer of conventional weapons and weapons related technology. Such controls should ensure that:

- (a) no conventional weapons are traded/transferred in violation of international law;
- (b) no conventional weapons are traded/transferred in circumstances where the trade/transfer of weapons will endanger peace, security and stability, or stimulate local arms races, or prolong ongoing wars;
- (c) no conventional weapons are traded or transferred to recipients who support or carry out terrorism;
- (d) no conventional weapons are traded or transferred to recipients responsible for human rights violations, or in circumstances where the acquisition of weapons may contribute to human rights violations;
- (e) no conventional weapons are traded or transferred to persons who participate in armed conflicts for private gain;

(f) no conventional weapons fall into the hands of unauthorised recipients or contribute to the illegal trade/transfer of weapons.

8 States have a duty to participate in the United Nations Register of Conventional Arms and to generally promote transparency with respect to conventional weapons transfers at both the international and the national levels. In accordance with this duty States should enhance the capacity of competent international organisations and relevant non-governmental organisations to monitor arms transfers.

9 Individuals and non-State actors have a duty and a responsibility to cease any participation or involvement in the illegal trade of conventional weapons, and shall strictly comply with national and international laws regulating the development, production, possession, procurement, stockpiling, trade and use of conventional weapons.

10 The global community has a duty and responsibility to prevent the establishment and activities of mercenaries and private military organisations.

11 Competent international, regional and sub-regional intergovernmental organisations or agencies have a duty to take all steps within their powers to advocate, monitor and enforce State compliance with their duties and responsibilities towards disarmament and arms control.

Article 6

The Duty to Intervene to Prevent Gross Human Rights Violations

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to prevent the commission of genocide, crimes against humanity, war crimes and other gross or systematic human rights abuses in all circumstances, including situations of armed conflict.

2 States have the primary duty and responsibility for the prevention of gross and systematic human rights abuses and for punishing such conduct. In accordance with this duty States should implement, in conjunction with competent inter-governmental organisations and relevant non-governmental organisations, effective, transparent and reliable early warning mechanisms.

3 Where individual States fail to act effectively to prevent the commission of gross or systematic human rights abuses, other States have a collective duty to intervene, after due warning has been given, or to support appropriate intervention, irrespective of considerations of national sovereignty, to prevent or stop such abuses.

4 The United Nations Security Council, under the United Nations Charter, has primary responsibility in this regard and should fulfill its responsibility in accordance with Chapter 7 of the United Nations Charter to establish a standing peacekeeping force which could be used for such purposes. Regional or sub-regional entities endowed with necessary powers should regard themselves as guardians of human rights in their regions, and should carry out such interventions

as are necessary if gross human rights violations occur. For that purpose, these entities should be supported by the global community, in particular through the provision of requisite resources.

Article 7

The Duty and Responsibility to Respect International Humanitarian Law during Times of Armed Conflict

1 Parties to an armed conflict have a duty and a responsibility to respect international humanitarian law unconditionally and in all circumstances, whether in the course of an international or an internal armed conflict. In particular, government forces and insurgents, military or paramilitary forces, have an obligation to refrain from committing:

- (a) acts of genocide;
- (b) crimes against humanity;
- (c) war crimes such as
 - (i) mass killings, torture or other forms of cruel, inhuman or degrading treatment or punishment;
 - (ii) hostage-taking, rape and other forms of sexual violence against women and children;
 - (iii) forced and illegal displacement of people, such as ethnic cleansing;
 - (iv) indiscriminate attacks against civilians;
 - (v) denying elementary humanitarian assistance to the civilian population;
 - (vi) using child soldiers; and
 - (vii) non-respect of the elementary rights of persons in occupied territories.

2 Parties to an armed conflict have a duty and a responsibility to authorise humanitarian relief for persons in need, and to grant humanitarian relief organisations access to affected areas and to ensure the safety of their personnel.

3 States have a duty and a responsibility to disseminate international humanitarian law, in particular to the armed forces and the police, and to ensure that its violations, in particular war crimes, are prosecuted, and that the perpetrators of such crimes are punished.

Article 8

The Duty and Responsibility of Humanitarian Assistance and Intervention

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action, without discrimination, to ensure the right to life, through the provision of food, shelter, health care and other essential requirements for survival, of refugees and internally displaced people fleeing war, internal conflict, gross human rights abuses and other human made or natural disasters.

2 The primary duty and responsibility to provide humanitarian assistance to those in need lies with States, and in the case of internal armed conflicts where insurgents exercise control over territory, with such insurgents. In carrying out that duty and responsibility States and insurgents should facilitate the involvement and assistance of recognised and competent inter-governmental and non-governmental organisations.

3 Competent inter-governmental organisations have a duty to provide humanitarian assistance to populations under the control of States or insurgents on whose territory there are large refugee populations or internally displaced people.

4 To the extent that they are able, relevant non-governmental organisations have a duty to assist in the provision of humanitarian assistance.

5 Inter-governmental and non-governmental organisations have a duty to carry out their mandates effectively based on the best available assessment. To this end, all such agencies should, where appropriate, co-operate and co-ordinate their activities.

6 Where a State or insurgent fails to provide humanitarian assistance to internally displaced people or refugees, other States have a collective duty to support appropriate intervention to provide such assistance. The United Nations Security Council, under the United Nations Charter, has primary responsibility in such instances. Regional or sub-regional entities endowed with necessary powers have a duty to play a role in their respective regions and should be encouraged and empowered to do so by the global community.

Article 9

The Duty and Responsibility to Protect and Promote a Safe, Stable and Healthy Environment

1 Members of the global community have collective, as well as individual duties and responsibilities, to respect, protect and preserve the uniqueness and diversity of all forms of life, and to preserve and promote an environment suitable for sustaining all forms of life.

2 To this end:

(a) States, relevant non-State actors, including the private sector, and individuals have a duty to protect and preserve the stability and quality of the global, regional and local environment and to utilise natural resources in a manner which ensures the preservation and protection of bio-diversity.

(b) States, relevant non-State actors, including the private sector, and individuals have a duty to conserve natural resources and to prevent the degradation and destruction of the environment through misuse and excessive exploitation and consumption.

(c) States, inter-governmental organisations, all other relevant non-State actors, including the private sector, and individuals have a duty to provide for and promote a free flow of basic scientific information about the environment, and shall promote and enable research and analysis necessary for the development of appropriate new methods and models for the preservation and promotion of a safe, stable and healthy environment.

Chapter 3

Human Security and an Equitable International Order

Article 10

The Duty and Responsibility to Promote an Equitable International Order

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to promote an equitable international order in which all States, peoples and individuals can enjoy sustainable human, economic, social, cultural, political, scientific and technological development and can participate equitably in international institutions and decision-making processes.

2 States have the primary duty and responsibility for the economic, social, cultural and political development of their peoples and to this end shall pursue economic and social policies designed to achieve sustainable human development and well-being as well as economic and financial stability.

3 States have a duty and responsibility to recognize the interdependence of all States in a global community and shall avoid any measure which may cause substantial injury or harm to other States.

4 States have a duty to take appropriate steps in co-operation with relevant international organisations to prevent public or private manipulation of national, regional or global markets to the prejudice of the stability of States.

5 To overcome extreme poverty and to achieve higher levels of economic and social justice, economically more endowed States have a duty to contribute to the economic and social development of lesser endowed States. International financial and development organisations have a like duty to contribute.

6 Economic policies and development should not be pursued at the expense of human rights or social development. The promotion of human rights, and in particular the rights and interests of those most disadvantaged sectors of the population, including those living in extreme poverty, children, women and rural communities, shall form an integral part of the planning and implementation of economic, monetary and fiscal policies by all States, governmental, inter-governmental organisations and non-governmental organisations.

7 Economic and social development shall not be pursued at the expense of the environment and natural resources. The principle of sustainable human development, whereby the priorities of development are guided by the need to preserve the environment, conserve resources and protect the interests and options of future generations, should form an integral part of the planning and implementation of economic and social development policies by all States, inter-governmental, non-governmental organisations, public and private corporations and any other relevant non-state actors.

8 As sovereign and equal members of the international community, all States have the right to participate fully, equitably and effectively in international and global institutions and decision-making processes and they must be afforded equal opportunities to do so.

Article 11

The Duty to Alleviate Usurious Debt

1 Members of the global community have collective, as well as individual duties and responsibilities, to ensure that levels of debt and interest payments by States do not reach usurious levels which grossly exceed their repayment capacity and which endanger human lives and impede economic and social development.

2 For their part, debtor nations have a duty and responsibility to adopt and pursue policies in accordance with the highest standards of efficiency, social equity and integrity.

Article 12

The Duty and Responsibility to Promote Safe, Responsible and Equitable Scientific and Technological Development

1 Members of the global community have collective, as well as individual duties and responsibilities, to promote responsible scientific and technological development for the equal benefit of all humankind.

2 States have the primary duty to promote their own scientific and technological development for the benefit and upliftment of their peoples.

3 Scientifically and technologically more advanced States, and competent inter-governmental organisations, have a duty to contribute to the strengthening and development of the scientific and technological capacity of lesser scientifically advanced States.

4 States have a duty to cooperate at the international level to promote a free flow and equitable sharing of scientific and technological information and knowledge. Such cooperation should ensure a balance between national and individual interests and the need to establish equitable global access to technological developments and scientific knowledge.

5 States have a duty to regulate scientific and technological research activities conducted within their jurisdiction in order to ensure that the results of such research are not used for the purpose of threatening peace and security, or in a manner which infringes upon human rights and fundamental freedoms.

6 The research and scientific communities have a duty to act with full respect for the life and welfare of every human being and to take all necessary measures, including the adoption of a code of ethics, to prevent the results of scientific and technological research being used for the

purpose of threatening peace and security, or in a manner which infringes upon human rights and fundamental freedoms.

7 Individual researchers and scientists have a duty at all times to conduct their research in accordance with strict ethical practices and to inform the public of any unethical or potentially dangerous research of which they become aware.

Article 13

The Duties and Responsibilities of Public and Private Sector Corporations

1 Private and public corporations have a duty and a responsibility to respect the sovereignty of the host State in which they conduct business and shall comply with the laws of host States, unless those laws constitute an infringement of human rights and fundamental freedoms, including universally accepted labour standards.

2 Private and public corporations have a duty to contribute to the development and capacity development of host communities through training and empowerment, provision and transfer of technology, fair sharing or other appropriate measures.

3 Private and public corporations have a duty to respect and promote the enforcement of human rights and fundamental freedoms within their spheres of influence, and should adhere to universally accepted labour standards, in particular those concerning the use of universally condemned forms of exploitation, including the exploitation of children, women, enforced labour and discrimination.

4 Private and public corporations have a duty to adhere to and enforce sound environmental management and conservation measures. Such corporations should ensure meaningful and transparent consultations with all those who might be affected by their activities and provide full and timely disclosure of all relevant information.

5 Private and public corporations have a duty to ensure that the activities of contractors, suppliers and distributors are consistent with the principles referred to in paragraphs 3 and 4 above.

Article 14

The Duty and Responsibility to Prevent and Punish International and Organised Crime

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to prevent, punish and eradicate international crime.

2 States have a duty to take effective steps to prevent, investigate, and prosecute international crimes or crimes which have international implications. Such steps should include:

(a) co-operating with one another or with international law enforcement agencies in the combating of international crimes, transnational crimes and organised crime;

- (b) where, in accordance with international law a State has jurisdiction, prosecuting or extraditing persons responsible for committing international crimes,
- (c) co-operating with and assisting international criminal tribunals.

3 Competent intergovernmental organisations, non-governmental organisations and, where appropriate, other non-State actors have a duty to cooperate with and assist States and international criminal tribunals in the prevention, investigation and prosecution of international crimes, transnational and organised crime.

4 Individuals and non-State actors have a duty and responsibility not to condone, support or participate in any manner in the commission of crime, and where appropriate, have a duty and responsibility to co-operate with and assist governments or international criminal tribunals in the prevention, investigation, or prosecution of crime.

5 All States have a duty to ratify or accede to the Convention establishing the Permanent International Criminal Court and the global community has a duty to support the establishment, effective operations and activities of the Court.

Article 15

The Duty and Responsibility to Eradicate Corruption and Build an Ethical Society

1 Members of the global community have collective, as well as individual duties and responsibilities, to promote an ethical society free from endemic corruption.

2 States have a duty to take effective measures to prevent, detect, punish and eradicate corruption in both the public and private sectors. Such measures should include:

- (a) implementing codes of conduct for all public officials, and proper systems of control within organs of state and public institutions;
- (b) implementing training programmes designed to educate public officials about their duties and responsibilities as public officials;
- (c) establishing effective independent mechanisms to enforce accountability and transparency within public institutions and by public officials, including the establishment of an ombudsperson and auditor-general;
- (d) providing protection for those providing evidence of corruption in the public and private sectors;
- (e) criminalising corruption, and providing effective penal and civil remedies;
- (f) promoting public awareness of the harm caused by corruption and providing for complaints procedures which are both effective and which adequately protect the complainants.

3 States have a duty to promote and establish mechanisms for the effective participation of civil society in efforts to eradicate corruption. In particular, they should encourage public discussion of ethical issues involving government, political parties and civil society, including the media and relevant non-governmental organisations.

4 States have a duty to cooperate and coordinate at the international level to prevent, detect, punish and eradicate corruption. In particular, they have a duty to provide assistance for the effective tracing, freezing and seizing of property illicitly acquired by public officials from other states.

5 Private sector organisations have a duty, in partnership with government, to develop an ethical commercial environment designed to ensure open and fair competition. They have a duty to refrain from participating in, promoting or condoning any corrupt or restrictive business practices.

6 Intergovernmental organisations and non-governmental organisations have a duty to act accountably and should refrain from promoting or condoning any corrupt practices. They also should ensure the integrity of their own projects.

7 Civil society, including relevant non-governmental organisations and individuals, have a duty to promote awareness about the importance of containing corruption and of the harm that it inflicts on the lives of all, governance and sustainable human development. All have a duty to expose corruption in both the public and private sectors.

Chapter 4

Meaningful Participation in Public Affairs

Article 16

The Duty and Responsibility to Ensure Meaningful Participation in Public Affairs

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect, promote and ensure the right of individuals to meaningfully participate in local, national and global governance, and to ensure that the authority of government is based upon the will of the people and the rule of law.

2 States have the primary duty and responsibility to take measures to ensure the right to meaningful participation in governance. Such measures shall include:

- (a) ensuring the right of citizens to vote in periodic, genuine and free local and national elections based on universal and equal suffrage and a secret ballot. In particular States have a duty to ensure that there is a level playing field for all political parties during the run up to elections and during elections; that there are adequate controls over the financing of political campaigns so as to prevent any unfair influence by the public or private sector or any other interest group; that voters are free from intimidation and harassment, and that there are adequate and effective judicial remedies for any complaints concerning the freeness and fairness of elections. Where necessary States should establish independent electoral commissions charged with the duty of ensuring the freeness and fairness of elections;
- (b) ensuring equal access to the public service, information and a free and independent media;

(c) wherever possible and appropriate, encouraging active participation by civil society in governance.

3 Competent intergovernmental and relevant non-governmental organisations have a duty, in full respect of the principle of state sovereignty, to promote and assist the development of participatory governance at all levels of society. In particular, they should work with States to ensure that elections are free, fair and transparent and should promote active participation by civil society at all levels of governance.

4 Individuals have a duty to participate in public affairs.

Chapter 5

Freedom of Opinion, Expression, Assembly, Association and Religion

Article 17

The Duty and Responsibility to Respect and Ensure Freedom of Opinion, Expression, and the Media

1 Members of the global community have collective, as well as individual duties and responsibilities, to respect, protect and ensure freedom of opinion and expression and a free and independent media, all of which are necessary for the protection and promotion of democratic values and pluralism, and in the fight against corruption, abuse of power and other threats to human rights and fundamental freedoms. This duty is based on underlying universal values and responsibilities. In particular, there is a duty and a responsibility to:

- (a) ensure that the pursuit of truth is unhindered. This applies equally to information and communications technologies;
- (b) ensure that citizens have accurate and unbiased information that will enable them to participate effectively in decision-making;
- (c) avoid any degrading treatment of individuals and the presentation of violence as entertainment;
- (d) protect individual self-fulfillment, autonomy and privacy.

2 The media and journalists have a duty to report honestly and accurately and to avoid incitement of racial, ethnic or religious violence or hatred.

Article 18

Duties and Responsibilities Concerning Information and Communications Technologies

1 Members of the global community have collective, as well as individual duties and responsibilities, to ensure universal access to basic communication and information infrastructure and services that will enable all States and members of civil society to access data, information and knowledge and to engage in networking activities.

2 States and the private sector have a duty to promote the fulfillment of the potential of information and communications technologies by providing equitable and affordable access to a wide range of communication media and by ensuring the open flow of information among all individuals and institutions.

3 States and the private sector have the duty to ensure a range of means for individuals and institutions to engage in civic dialogues and to obtain the education and skills necessary for participation in the information society.

4 States have a duty to prevent any misuse of these communications technologies and systems, especially as regards the propagation of hate and of material compromising the well-being of children.

5 States have the duty to take measures to protect communications security, privacy and reliability.

6 States, civil society, private corporations and individuals have a duty :

- (a) to establish, access and use available information systems and services in ways that do not result in harm to that system or its users;
- (b) to make use of the systems and services in ways that are consistent with the common good;
- (c) to foster truthfulness and honest disclosure;
- (d) to respect the rights of others to dissent.

7 States, the private sector and other relevant actors of civil society have the duty to collect only information concerning individuals when relevant, necessary and socially acceptable. Whenever possible, such information should be collected directly from the individual concerned, otherwise information collectors have the duty and responsibility to operate in a transparent manner and to apprise the individuals concerned with a notice of information collection practices.

8 Information collectors have the duty to provide individuals, upon request, with a copy of any information gathered concerning those individuals. They also have the duty to assure the accuracy and security of the information gathered, including allowing individuals to see and correct their personal data.

9 States have a duty to establish rules about the collection, maintenance, use, disclosure and correction of information together with suitable mechanisms to implement those rules, such as administrative processes, professional standards, civil actions, criminal penalties, ombudspersons and other means.

10 The global community has a duty to set rules providing for the sharing of innovation and patents relevant for the creation, establishment and operation of information systems and services based on an equitable intellectual property regime.

11 The global community has a duty to design equitable rules and arrangements governing the access to and use of cyberspace.

Article 19

The Duty and Responsibility to Respect and Ensure Freedom of Assembly and Association

States have a duty and a responsibility to take all necessary steps to ensure the substantive realisation of the rights to free assembly and freedom of association.

Article 20

The Duty and Responsibility to Respect and Ensure Freedom of Religion, Belief and Conscience

1 Members of the global community have collective, as well as individual duties, to take appropriate action to respect, protect and ensure freedom of religion, belief and conscience.

2 States have the primary duty and responsibility to respect, protect and ensure the freedom of religion, belief and conscience of all within their territory or under their jurisdiction. In accordance with this duty and responsibility States should:

(a) respect and ensure the right of all individuals to have and adopt, or not to have, a religion or belief of their choice;

(b) respect and ensure the right of individuals to manifest that religion or belief, in worship, observance, practice and teaching, either individually or in community with others, in private and in public.

3 Religious leaders have a duty to promote tolerance of and respect for other religions and their adherents, and have a duty and responsibility not to incite religious hatred or violence.

4 All religions and their adherents have a duty to exercise religious tolerance and have a duty and a responsibility to respect the rights of other religions or beliefs and their adherents or non-believers.

5 All religions and their adherents have a duty and responsibility to respect human rights and fundamental freedoms in the practice or manifestation of their religion.

Chapter 6

The Right to Personal and Physical Integrity

Article 21

The Duty and Responsibility to Respect and Ensure Physical and Personal Integrity

Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect and ensure the physical, psychological and personal integrity of all members of the human family in all circumstances, including in situations of armed conflict.

Article 22

The Duty and Responsibility to Respect and Ensure the Right to Personal Liberty and Physical Security

1 States have the primary duty and responsibility to take all necessary measures to respect and ensure the rights to personal liberty and physical security of all within their territory or under their jurisdiction. Such measures should include:

- (a) taking all necessary steps to prevent arbitrary arrest and detention by the State or its officials and ensuring that deprivations of liberty only take place in accordance with a law which is consistent with universally recognised grounds necessitating such deprivations;
- (b) ensuring that all arrests and detentions by the State or sanctioned by the State are carried out in accordance with universally recognised standards of fairness and due process. In particular, anyone arrested or detained shall be promptly informed of the reasons for the arrest and detention, shall be entitled promptly to bring proceedings before a judicial officer to determine the lawfulness of the arrest or detention, and where charged with a criminal offence shall promptly be brought before a judicial officer, be entitled to apply for her/his release subject to reasonable conditions if the interests of justice permit, be entitled to legal assistance of her/his choice, and be entitled to a trial within a reasonable time;
- (c) taking effective measures to protect and ensure the physical security of all persons within its jurisdiction.

Article 23

The Duty and Responsibility to Prohibit and Prevent Slavery and Institutions and Practices Similar to Slavery

1 States have the primary duty and responsibility to take all necessary measures to protect all within their territory or under their jurisdiction from, and to prevent, slavery and slave-like practices including child prostitution, child exploitation, enforced prostitution, debt bondage, serfdom, and other forms of enforced labour inconsistent with international law. Such measures should include:

- (a) declaring criminal and punishing such practices;
- (b) instituting effective controls at relevant points of entry to and exit from their territory, to prevent the illegal trafficking of persons;
- (c) taking steps to cooperate at the sub-regional, regional and international levels to prevent and halt such practices, including cooperation between law enforcement agencies to dismantle national, regional and international networks in trafficking;
- (d) instituting training programmes designed to create greater awareness concerning slavery-like practices amongst law enforcement officials and other relevant officials;
- (e) creating greater public awareness through education and public programmes of the human rights abuses associated with such practices.

2 Individuals and non-State actors have a duty and a responsibility not to condone, support or in any manner participate in practices of slavery or slavery-like practices.

3 Competent inter-governmental organisations and relevant non-governmental organisations have a duty to monitor compliance by States with their duties and responsibilities to prevent and punish slavery and slavery like practices, and should promote public awareness of such practices.

Article 24

The Duty and Responsibility to Respect and Ensure Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment

1 States have the primary duty and responsibility to condemn torture and to take all necessary measures to prevent torture, cruel, inhuman and degrading treatment or punishment from being practised within their jurisdiction. Such measures should include:

- (a) declaring criminal and punishing all acts of torture, cruel and inhuman and degrading treatment or punishment, whether by State officials, political movements or insurgents, other non-state actors or private persons with the acquiescence or complicity of the State, committed within their jurisdiction;
- (b) enforcing strict controls over places and conditions of custody of persons deprived of their liberty and interrogation methods and practices;
- (c) enforcing strict supervision of all law enforcement officials responsible for persons taken into State custody;
- (d) ensuring that training programmes for all law enforcement personnel and other relevant public officials include adequate training concerning the prohibition of torture, cruel and inhuman and degrading treatment and punishment.

2 Individuals and non-State actors have a duty and a responsibility not to condone, support or participate in any manner in the commission of acts of torture, cruel and inhumane and degrading treatment or punishment.

3 Competent intergovernmental organisations and relevant non-governmental organisations have a duty to monitor the compliance by States with their duties and responsibilities to prohibit, prevent and punish torture and cruel and inhuman and degrading treatment, and have a duty to publicise and denounce all such treatment.

Article 25

The Duty and Responsibility to Prevent and Eradicate Enforced Disappearances

1 States have the primary duty and responsibility to condemn and to take all necessary measures to prevent forced disappearances from occurring within their territory. Such measures should include:

- (a) declaring criminal and punishing all acts of forced disappearances committed within their territory or jurisdiction;

- (b) ensuring that persons deprived of their liberty are only held in officially recognised places of detention, and that they have adequate access to judicial officers, legal representation, medical personnel and family members during the course of their detention;
- (c) ensuring that a current register is kept of all persons taken into custody, and that the information contained therein is made available to all judicial authorities, legal representatives and family members concerned with the whereabouts of detained persons;
- (d) ensuring strict supervision of all law enforcement personnel and other public officials responsible for persons taken into the custody of the State;
- (e) taking steps to cooperate at the sub-regional, regional and international levels to prevent and halt the practice of forced disappearances.

2 Individuals and non-State actors have a duty and a responsibility not to condone, support or participate in any manner in the commission of enforced disappearances.

3 Competent inter-governmental and relevant non-governmental organisations have a duty to monitor States compliance with their duties and responsibilities to prohibit, prevent and punish disappearances, and have a duty to publicise and denounce such treatment.

Chapter 7

Equality

Article 26

The Duty to Respect and Ensure Equal Treatment and Non-Discrimination

Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect, ensure and promote the right to equal treatment and to eradicate discrimination in all its forms.

Article 27

The Duty and Responsibility to Respect and Ensure Equality

States have the primary duty and responsibility to take adequate measures to respect and ensure the substantive equality of all persons within their territory or under their jurisdiction. Such measures should include:

- (a) ensuring equality before the law for all and ensuring equal protection and benefit of the laws for all;
- (b) not discriminating on the grounds of race, color, sex, age, gender, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other similar such grounds;
- (c) taking positive action to prevent direct or indirect discrimination by private persons, corporations or organisations in the sphere of employment, education and in relation to the right

of access of any person to places or services intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks;

(d) taking positive action to promote the substantive equality of persons or groups of persons who continue to suffer the effects of past and present discrimination.

Article 28

The Duty and Responsibility to Ensure Racial and Religious Equality

In accordance with their duty and responsibility to ensure substantive racial and religious equality States should:

- (a) ensure the effective enjoyment of all human rights and fundamental freedoms without discrimination on the basis of race, religion or ethnicity;
- (b) take positive measures to:
 - (i) condemn all forms of racial and religious discrimination and respect racial, ethnic and religious diversity;
 - (ii) promote the adequate representation of racial, ethnic and religious groups suffering the effects of past and present discrimination at all levels of public and political life;
 - (iii) ensure equal opportunities for education for all racial, ethnic and religious groups;
 - (iv) promote the economic empowerment of racial, ethnic and religious groups suffering the effects of past and present discrimination;
 - (v) promote access to the mass media and information technology by all racial, ethnic and religious groups;
 - (vi) declare illegal and prohibit organisations and activities designed to promote racial, ethnic or religious violence or hatred.

Article 29

The Duty and Responsibility to Ensure Sex and Gender Equality

1 In accordance with their duty and responsibility to ensure sex and gender equality and the recognition of women's rights as human rights every State should:

- (a) ensure the effective enjoyment of all human rights and fundamental freedoms without discrimination on the basis of sex or gender;
- (b) take positive measures to:
 - (i) promote the equality of women in the representation and participation of women at all levels of public and political life;
 - (ii) condemn and eradicate cultural, religious and social practices which discriminate against women;
 - (iii) promote the economic empowerment of women;
 - (iv) ensure equal rights to property and inheritance for women;
 - (v) ensure the full legal capacity of women;

- (vi) ensure equality with respect to marriage and its proprietary and personal consequences for women;
- (vii) ensure the equal parental and guardianship rights of both women and men to their children;
- (viii) ensure the protection of the reproductive rights and bodily integrity of all women;
- (ix) promote the right to health of women, including equal access to healthcare;
- (x) promote effective access to and participation by women in the mass media and the use of all forms of information technology;
- (c) take effective measures to eradicate violence and abuse of women in all its forms. In particular States should:
 - (i) condemn all acts of violence or abuse of women in both times of peace and in situations of armed conflict;
 - (ii) refrain from any acts of violence against women and take effective measures to prevent, investigate and punish acts of violence or abuse perpetrated by the State or private persons;
 - (iii) provide women who have been subjected to violence or abuse adequate civil, administrative and penal remedies, including access to forensic medical procedures that are effective and provided in a manner which is sensitise to women victims;
 - (iv) ensure that the law enforcement process is sensitive to the needs of women victims of violence and abuse;
 - (v) ensure that law enforcement officials and other public officials responsible for the implementation of laws and policies to prevent, investigate and punish violence against and abuse of women receive adequate training to sensitize them to the needs of women victims;
- (d) take effective measures to protect women against and punish acts or practices of slavery, enforced prostitution and other forms of sexual exploitation of women.

2 States and intergovernmental organisations have a duty to ensure equality in the representation and active participation of women in international organisations and international affairs.

3 Intergovernmental organisations have a duty to ensure that the promotion and implementation of the human rights of women are prioritised and addressed regularly and systematically by their relevant organs.

4 Relevant non-governmental organisations have a duty to create awareness of the human rights of women and issues affecting the rights of women, and should co-operate with States and inter-governmental organisations in the promotion and implementation of women's human rights.

Article 30

The Duty and Responsibility to Ensure the Equality of Persons with a Disability

1 In accordance with their duty to facilitate and encourage the substantive equality of persons with a disability States should:

- (a) ensure the enjoyment and exercise of all human rights and fundamental freedoms without discrimination on the basis of disability;
- (b) take positive measures to:
 - (i) ensure that persons with a disability have a right of effective participation in decisions at all levels of government which affect their rights or interests;
 - (ii) raise awareness through education and public awareness programs of the rights and needs of persons with a disability;
 - (iii) ensure the right to rehabilitation, adequate medical care and support services for persons with a disability;
 - (iv) take and enforce measures of reasonable accommodation to adapt the physical environment to the needs of persons with a disability;
 - (v) ensure equality in education for persons with a disability in an integrated schooling system, unless their specific needs require special schools;
 - (vi) ensure equality in employment opportunities for persons with a disability in both the public and private sectors;
 - (vii) ensure the right to dignity and physical and personal integrity of persons with a disability.

2 States and competent inter-governmental organisations have a duty to co-operate at the international level to contribute to the development and implementation of disability policy.

3 Competent intergovernmental organisations have a duty to ensure that the promotion and implementation of the human rights of persons with a disability are prioritised and addressed regularly and systematically by their relevant organs.

4 Relevant non-governmental organisations should assist governments and intergovernmental organisations with the development and implementation of disability policy and should help to promote awareness of the rights and needs of persons with a disability.

Chapter 8

Protection of Minorities and Indigenous Peoples

Article 31

The Duty and Responsibility to Respect and Protect the Rights of Minorities

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect and protect the existence, identity and rights of national, ethnic, religious and linguistic minorities.

2 States have the primary duty and responsibility to take measures to respect and protect the rights of national, ethnic, religious and linguistic minorities within their territory or under their jurisdiction. Such measures should include:

- (a) respecting and protecting the right of such minorities to freely express, manifest, preserve and develop their cultural, religious, ethnic and linguistic identity if they so choose;
- (b) respecting and protecting the right of such minorities to establish and maintain their own associations and institutions for the preservation, maintenance and development of their own identity if they so choose;
- (c) taking positive action, where necessary, to ensure the effective enjoyment and full exercise of all human rights and fundamental freedoms by national, ethnic, religious or linguistic minorities without discrimination;
- (d) ensuring that such minorities have a right of effective participation in decisions at all levels of government which affect their rights or interests;
- (e) co-operating with one another in promoting the rights of national, linguistic, religious and ethnic minorities.

3 Competent intergovernmental and relevant non-governmental organisations have a duty to promote and contribute to the full realisation of the rights and interests of national, ethnic, religious and linguistic minorities.

Article 32

The Duty and Responsibility to Respect, Protect and Promote the Rights of Indigenous Peoples

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect and ensure the existence and rights of indigenous peoples, in particular their right to preserve, maintain and develop their distinct identities and characteristics and to protect their means of livelihood.

2 States have the primary duty and responsibility to take measures to respect and ensure the rights of indigenous peoples within their territory or under their jurisdiction. Such measures should include:

- (a) refraining from any action or measures which are aimed at or which will have the effect of destroying the existence of or distinct identity of indigenous peoples;
- (b) ensuring the right of indigenous peoples to preserve, maintain, manifest and develop, their own indigenous political, social, cultural, religious and economic systems if they so choose;
- (c) ensuring for indigenous peoples the right to enjoy the benefits of traditional lands, territories, waters or other resource traditionally owned or occupied by such peoples and a right to restitution of or compensation for land, territories, waters or other resources from which they were dispossessed or forcibly removed;
- (d) ensuring the right of indigenous peoples to exercise autonomy with respect to their own affairs, including control of land, culture, religion, environment, education, health, housing, economic activities, resource management and social welfare if they so choose;

- (e) ensuring the right of indigenous peoples to establish, maintain and develop their own indigenous as well as other institutional structures necessary for the exercise of their cultural autonomy if they so choose;
- (f) ensuring the full and effective enjoyment by indigenous peoples and their members of all human rights and fundamental freedoms without discrimination on the basis of indigenous origins or identity;
- (g) taking positive measures to ensure the economic and social empowerment and improvement of indigenous populations;
- (h) facilitating the voluntary participation of indigenous peoples in the political, economic, social and cultural life of the State where they live.

3 Competent inter-governmental organisations have a duty to facilitate the effective participation of indigenous peoples in their activities, in particular in activities concerning the rights and interests of indigenous peoples or which will impact upon such rights or interests.

4 Competent inter-governmental organisations have a duty to work towards the continued promotion and realisation of the rights of indigenous peoples.

5 Relevant non-governmental organisations have a duty to promote continued awareness and implementation of the rights and concerns of indigenous peoples and should assist States and inter-governmental organisations in the realisation of the rights of indigenous peoples.

Chapter 9

Rights of the Child and the Elderly

Article 33

The Duty and Responsibility to Respect, Protect and Promote the Rights of the Child

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to protect, respect and ensure the rights of the child.

2 States have the primary duty and responsibility to take measures to protect, respect and ensure the rights of all children within their territory or under their jurisdiction. Such measures should include:

- (a) taking special care to ensure the survival and well being, through adequate nutrition, health care and other necessities of life, of all children, and ensuring an adequate standard of living for all children;
- (b) protecting, and wherever possible, ensuring the right of children to grow up in the care of and under the responsibility of their parents, family, or a similar caring and nurturing environment;
- (c) ensuring special protection and assistance, including health care and social security, to mothers both before and after birth;

- (d) preventing and protecting children from all forms of abuse, exploitation or illicit trafficking, including:
 - (i) neglect and maltreatment;
 - (ii) physical and mental/psychological violence or injury and sexual abuse;
 - (iii) economic, sexual and social exploitation;
 - (iv) illicit use by children of narcotic drugs and the use or involvement of children in the illicit production, dealing in and trafficking of such substances;
 - (v) illegal trafficking in children for the purposes of sexual exploitation, forced adoption or any other purpose;
- (e) ensuring the establishment of adequate and well monitored institutions, facilities, services and arrangements for the protection, maintenance, care, well-being and, where necessary rehabilitation, of children in need of the special care, assistance and protection of the State;
- (f) ensuring the protection of children during times of war, including:
 - (i) respecting and enforcing the rules of international humanitarian law applicable to the protection of children in situations of armed conflict;
 - (ii) taking necessary measures to ensure that children are not permitted to join the armed forces or participate either directly or indirectly in hostilities;
- (g) respecting the rights, duties and responsibilities of parents, family and/or legal guardians to care and provide for their children, and give direction and guidance to their children in accordance with the children's best interests;
- (h) respecting and ensuring the rights of children to participate, in accordance with their evolving capacities based on age and maturity, in decisions and matters concerning their rights and interests. In particular, States have a duty and a responsibility to ensure the right of children to hold and express their opinions freely in all matters affecting them;
- (i) ensuring that the criminal justice system provides special protection to children in accordance with recognised universal human rights standards, in particular, ensuring that children are only institutionalised as a last resort and only where children have committed acts of violence, and ensuring humane conditions in correctional institutions when children are incarcerated;
- (j) ensuring the full and effective enjoyment of all human rights and fundamental freedoms by all children without discrimination on any basis, including their parents race, colour, sex, age sexual orientation, gender, language, religion, political or other opinion, national, ethnic or social origin, marital or any other status.

3 Parents, or as the case may be, legal guardians have the primary responsibility for the care, well-being and healthy upbringing of their children and have a duty and a responsibility to promote the full and harmonious development of their children.

4 States have a duty to ratify the Convention on the Rights of the Child of 1989;

5 States have a duty to promote international cooperation for the full realisation of the rights of the child and have a duty to assist developing States in the implementation of the rights of the child.

6 Competent inter-governmental and relevant non-governmental organisations have a duty to promote and contribute to the full realisation of the rights of the child.

Article 34

The Duty and Responsibility to Promote and Enforce the Rights and Well-being of the Elderly

1 Members of the global community have collective, as well as individual duties and responsibilities to take appropriate action to respect, promote and ensure the rights and well-being of the elderly.

2 States have the primary duty to take measures to respect, promote and ensure the rights of all the elderly within their territory or under their jurisdiction. Such measures should include:

- (a) ensuring the full and effective enjoyment by elderly people of all human rights and fundamental freedoms without discrimination on the basis of age
- (b) respecting and ensuring the well-being, dignity and physical and personal integrity of the elderly;
- (c) ensuring the establishment of adequate and well monitored institutions, facilities, services and arrangements for the maintenance, care and well-being of elderly persons in need of the special care and assistance of the State;

3 States and competent inter-governmental organisations have a duty to cooperate at the international level to contribute to the development and implementation of the rights of the elderly, and should promote and contribute to the full realisation of the rights of the elderly.

4 Relevant non-governmental organisations have a duty to assist governments and inter-governmental organisations with the development and implementation of the rights of the elderly and should help to promote awareness of the rights and needs of elderly persons.

Chapter 10

Work, Quality of Life and Standard of Living

Article 35

The Duty and Responsibility to Promote the Right to Justly Remunerated Work

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect, protect and promote the right to justly remunerated work.

2 States have the primary duty and responsibility to use every possible endeavour to ensure the right to work of all persons within its territory or under its jurisdiction. Such measures should include:

- (a) adopting policies designed to promote productive work;
- (b) ensuring employment security, in particular protection against arbitrary or unfair dismissal;
- (c) ensuring equality of opportunity and conditions of work, without discrimination on the basis of race, color, sex, sexual orientation, gender, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other similar such grounds;
- (d) ensuring just remuneration and favorable conditions of work.

3 The private sector has a duty to promote and create employment opportunities, and, wherever possible and feasible to prevent the loss of jobs.

4 States have a duty to co-operate with one another to promote employment opportunities, especially in developing nations.

5 Competent inter-governmental organisations have a duty to assist States in the development of policy to promote employment, and should monitor and enforce compliance by governments of their duties under this article.

Article 36

The Duty and Responsibility to Promote Quality of Life and an Adequate Standard of Living

1 Members of the global community have collective, as well as individual duties and responsibilities to take appropriate action to respect, protect and ensure the right to an adequate quality of life and standard of living for all.

2 States have the primary duty and responsibility to take measures to ensure, to the maximum extent possible, that all persons within its territory or under its jurisdiction are free from hunger and have access to adequate food and clean water necessary for a healthy, normal and active existence. Such measures should include:

- (a) ensuring efficient production and distribution of food supplies;
- (b) ensuring dissemination of knowledge about nutrition;
- (c) providing assistance to persons who are unable to provide adequate food for themselves or their families;

3 States have a duty to cooperate to ensure the full realisation of the right to be free from hunger and the right to adequate food for all. In particular, they should cooperate to prevent and alleviate famine, and to ensure an equitable distribution of food supplies in accordance with the principle of need.

4 Competent inter-governmental organisations should work towards the continued promotion and realisation of the right of everyone to be free from hunger.

5 States have the primary duty and responsibility to take measures to ensure, to the maximum extent possible, that everyone within its territory or under its jurisdiction has access to adequate, affordable housing and that their access is sufficiently protected. Such measures should include:

- (a) ensuring the provision of adequate, affordable housing in accordance with need;
- (b) providing assistance to those unable to secure for themselves or their families affordable housing through their own resources;
- (c) ensuring security of tenure, including protection from arbitrary and unlawful forced evictions, and harassment.

6 States have a duty to cooperate to ensure the full realisation of the right to adequate housing for all. In particular, steps should be taken to ensure that a sufficient amount of financial and other international assistance is dedicated to the provision of adequate housing.

7 Competent intergovernmental organisations should work towards the continued promotion and realisation of the right of everyone to adequate housing.

8 States should take measures to ensure, to the maximum extent possible, that everyone within its territory or under its jurisdiction has access to the highest attainable state of health. Such measures should include:

- (a) ensuring the provision of adequate, equitable health care facilities and services, especially preventative and primary health care facilities;
- (b) taking adequate steps to promote a healthy environment and eliminate causes of ill health;
- (c) preventing, controlling and treating epidemic, endemic and occupational diseases;
- (d) providing health education and promoting individual responsibility for good health;
- (e) ensuring health care for all according to need, irrespective of income or wealth;
- (f) ensuring the right to the highest attainable state of health of children.

9 States have a duty to cooperate to promote the highest attainable state of health for all. In particular, States should cooperate to prevent, control and treat epidemic and endemic diseases, and should equitably share the benefits of medical research and technology.

10 Competent inter-governmental organisations have a duty to work towards the continued promotion and realisation of the right of everyone to the highest attainable state of health.

11 States have the primary duty to take measures to ensure, to the maximum extent possible, adequate social security to all those in need, including the unemployed, sick, disabled, old, or anyone else unable to secure an adequate livelihood for themselves or their family through circumstances beyond their control.

12 Employers have a duty to provide for and contribute to adequate social insurance, including old age, disability and sickness benefits for employees.

Chapter 11

Education, Arts and Culture

Article 37

The Duty and Responsibility to Promote and Enforce the Right to Education

1 Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to promote, respect and enforce the right to education for all.

2 States have the primary duty and responsibility to take measures to respect, promote and ensure, to the maximum extent possible, the right to education of all within its territory or under its jurisdiction. Such measures should include:

- (a) developing, maintaining or providing for an adequate system of schools and other educational institutions;
- (b) ensuring access to educational institutions at all levels without discrimination on the basis of race, color, sex, age, sexual orientation, gender, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other such similar status, and ensuring equality of opportunity and treatment in education;
- (c) ensuring the right to free and compulsory primary education for all children;
- (d) making secondary and tertiary education available and accessible to the maximum extent possible;
- (e) protecting the academic freedom of teachers;
- (f) respecting the right of individuals and other legal entities to establish and maintain their own private educational institutions;
- (g) promoting vocational and technical training;
- (h) promoting adult education and more particularly adult literacy.

3 Parents have a duty and a responsibility to encourage and facilitate the education of all their children, and have a responsibility in this regard not to discriminate between male and female children. States have a responsibility to ensure this.

4 States have a duty to ensure that all levels of education are directed towards the full development of the human personality without discrimination in particular on the basis of sex or gender; respect for and understanding of human rights and a culture of peace, and enable all persons to participate meaningfully in a democratic society based upon tolerance, understanding and respect for racial, ethnic, religious, and cultural diversity.

5 Academic institutions, teachers and academics have a duty to promote and develop human rights education and awareness, as well as education designed to promote and develop a democratic and peaceful culture based on respect for racial, religious, ethnic and cultural diversity.

6 Competent inter-governmental organisations have a duty to promote and contribute to developing the educational capacity of States, in particular developing countries.

7 Competent inter-governmental organisations have a duty to promote international cooperation in the development and implementation of human rights education, and education designed to instil and develop a democratic and peaceful culture based on respect for racial, religious, ethnic and cultural diversity.

8 Non-governmental organisations have a duty to work with States and inter-governmental organisations in the promotion of the right to education and, in particular human rights education, and shall develop and implement their own human rights education programs.

Article 38

The Duty and Responsibility to Foster Arts and Culture

1 Members of the global community have collective as well as individual duties to provide a framework for and to foster the arts and culture.

2 States have a duty and responsibility to respect, protect and promote freedom of artistic expression, the right to culture and cultural diversity. In accordance with this duty and responsibility they should:

- (a) ensure free access to the arts and culture on a non-discriminatory basis;
- (b) encourage creativity and protect innovations and artistic works through intellectual property laws at the national and international levels;
- (c) ensure and promote, within the framework of universal human rights and fundamental freedoms, the right of individuals to enjoy their culture in community with others.

3 Competent intergovernmental organisations have a duty to promote international collaboration and exchanges among artists from various cultures, to disseminate knowledge and information about different cultures and to take appropriate steps to protect and preserve the cultural heritage of humankind.

Chapter 12

Right to a Remedy

Article 39

The Duty and Responsibility to Provide for and Enforce Effective Remedies

1 States have a duty and responsibility to provide for effective national judicial, administrative, legislative and other remedies where a human right or fundamental freedom is threatened or has been violated.

2 States have a duty and a responsibility to ensure that such remedies are effectively carried out.

3 States have a duty and a responsibility to co-operate at the sub-regional, regional and international levels to provide effective regional and international enforcement mechanisms for the prevention of and remedies for the violation of human rights and fundamental freedoms.

4 Existing national, sub-regional, regional and international human rights enforcement mechanisms have a duty and a responsibility to use their enforcement powers effectively to enforce human rights and fundamental freedoms.

Article 40

The Duty to Monitor and Implement the Declaration of Human Duties and Responsibilities

1 States and competent intergovernmental organisations have a duty to give effect to this Declaration by establishing tripartite councils composed of

State, civil society and private sector representatives who will be tasked with establishing a precise plan of action to promote (including early warning co-operation), implementation of the duties and responsibilities set forth in this Declaration.

2 Such tripartite councils shall also be entrusted with monitoring compliance with the duties and responsibilities set forth in this Declaration and, together with States, relevant civil society organisations, national, regional and international inter-governmental organisations, shall publicise their record of compliance.

Article 41

Non-Derogation Clause

1 Nothing in this Declaration shall be interpreted as impairing or restricting the rights contained in the Universal Declaration of Human Rights and other international and regional human rights instruments, nor shall any derogation from or restriction of any human right or fundamental freedom existing in any international human rights instrument or domestic law be admitted on the pretext that the present Declaration does not recognise such rights or that it recognises them to a lesser extent.

2 Nothing in this Declaration shall be construed as implying that any State, organisation, entity, community, people or individual has the right to engage in any activity or to perform any act which violates the rights set forth in the Universal Declaration of Human Rights or other international or regional human rights instruments.

PARTICIPANTS WHO INTERVENED IN THE DRAFTING OF THE DOCUMENT

Chairman

Richard J. Goldstone (South Africa)

Judge of the Constitutional Court; former Chief Prosecutor of the United Nations War Crimes Tribunal.

Representative OF Unesco

Barbara Barry de Longchamp

Director, Partnerships for the Twenty-first Century.

City OF Valencia

Rita Barberá Nolla (Spain)

Mayor of Valencia; President, Foundation “Valencia Tercer Milenio”.

Rafael Ripoll (Spain)

Advisor to the Mayor.

Foundation “Valencia Tercer Milenio”

Francisco Villanueva (Spain)

Director of the Foundation “Valencia Tercer Milenio”.

Rosa María Rodríguez Magda (Spain)

Cultural Director of the Foundation “Valencia Tercer Milenio”; Writer; Philosopher.

Adc Nouveau MillÉnaire Partners

Lucio Attinelli (Italy)

Partner, ADC Nouveau Millénaire; former Director of Public Relations and Special Events Division, UNESCO; former Acting Coordinator of Integral Study of the Silk Road, Roads of Dialogue, UNESCO; Journalist; Writer.

Fernando Caruso (Italy)

Partner, ADC Nouveau Millénaire; former Director, Italian Cultural Institute, Paris.

Léon Davico (Yugoslavia)

Partner, ADC Nouveau Millénaire; Special Advisor to Director-General of UNESCO; former Director of Public Information, UNESCO and UNHCR.

Participants

Marieclaire Acosta Urquidi (Mexico)

President, Mexican Commission for the Defence and Promotion of Human Rights.

Ednan Agaev (Russia)

Former Director, Department for Policy Analysis, Ministry of Foreign Affairs; Ambassador to Colombia; Member of Advisory Board to UN Secretary-General for Disarmament Studies.

Lluis Álvarez (Spain)

Professor at the Department of Aesthetics of the University of Oviedo; Member, Academy of the Asturian Language.

Chief Emeka Anyaoku (Nigeria)

Secretary-General of the Commonwealth; former Foreign Minister.

Jesús Ballesteros (Spain)

Professor of Philosophy of Law, University of Valencia.

Enrique Barón Crespo (Spain)

Member of the European Parliament.

Michel Bonnot (France)

Ministry for Public Health.

Michael Brozka (Germany)

Head of Research, Bonn International Center for Conversion.

Joaquín Calomarde (Spain)

Writer and philosopher; former Member of Parliament.

José Casas Pardo (Spain)

Chair of Applied Economics, University of Valencia.

Jacqueline Cassette (South Africa)

Lawyer, Constitutional Court of South Africa.

Luciana Castellina (Italy)

Member of European Parliament; Chair of Commission for External Policy.

Miguel Chamorro (Spain)

Director, Executive Office of the Secretary-General, Interpol; International Criminal Police Organisation, Lyon.

Diego Cordovez (Ecuador)

Former Foreign Minister; Special Representative of UN Secretary General for Cyprus; former UN Under-Secretary-General for Special Political Questions.

Jean Daniel (France)

Editor, Le Nouvel Observateur.

Adama Dieng (Senegal)

Secretary-General, International Commission of Jurists.

Peter Eigen (Germany)

Chairman, Transparency International

Souheil El-Zein (France/Lebanon)

Director, Legal Affairs, Interpol.

Emmanuel A. Erskine (Ghana)

General; former Commander of Ghana Army and Force Commander, United Nations Interim Force in Lebanon (UNIFIL).

Miguel Ángel Estrella (Argentina)

Pianist; Founder of Musique Espérance; UNESCO Goodwill Ambassador.

Richard A. Falk (United States)

Albert G. Milbank Professor of International Law and Practice, Center of International Studies, Princeton University.

Charles Firestone (United States)

Director, Aspen Institute - Communications and Society Programme.

Baya Gacemi (Algeria)

Former Editor-in-Chief, La Tribune.

Antonio Garrigues Walker (Spain)

International Lawyer; President, Spanish Section of UNHCR.

Hans-Peter Gasser (Switzerland)

International Committee of the Red Cross; Editor, International Review of the Red Cross.

José Manuel González Páramo (Spain)

Professor Emeritus at the Complutense University of Madrid; Co-founder of the Cánovas del Castillo Foundation.

Mário da Graça Machungo (Mozambique)

Former Prime Minister and Finance Minister; President, Banco Internacional do Mozambique; Chairman, Africa Leadership Forum.

Ahmed Haggag (Egypt)

Ambassador; Assistant Secretary-General, Organisation for African Unity.

Wakako Hironaka (Japan)

Member of the House of Councillors; former Director General, Environmental Protection Agency.

Lord Frank Judd (United Kingdom)

Former Minister for Development Co-operation; former Director, Oxfam UK; Member, House of Lords.

Sergei Kapitsa (Russia)

Professor; Member, Russian Academy of Sciences.

Rushworth Kidder (United States)

Director, Institute for Global Ethics; former Correspondent, Christian Science Monitor.

Bernard Kouchner (France)

Minister for Health and Humanitarian Action; Founder, Médecins sans Frontières.

Vladimir Lomeiko (Russia)

Special Advisor to Director General of UNESCO; former Ambassador to UNESCO and spokesman for Foreign Minister.

Ruud Lubbers (The Netherlands)

Former Prime Minister; Professor for Globalisation.

Errol P. Mendes (Canada)

Director, Human Rights Research and Education Centre, University of Ottawa.

Guy Mettan (Switzerland)

President, Swiss Press Club, Geneva; former Editor-in-chief, La Tribune de Genève.

Stuart Mole (United Kingdom)

Director, Private Office of the Commonwealth Secretary-General.

Patricia Morales (Argentina)

Assistant to Ruud Lubbers (The Netherlands), former Prime Minister.

Chandra Muzaffar (Malaysia)

Professor; President, International Movement for a Just World (Pergerakan Keadilan Sedunia).

Dragoljub Najman (Yugoslavia)

Former Assistant Director General, UNESCO.

Luis Núñez Ladevéze (Spain)

Chair of Journalism at the Complutense University of Madrid.

Hans d'Orville (Germany)

Director, Information Technologies Development Programme, United Nations Development Programme (UNDP).

Augusto Ramírez Ocampo (Colombia)

Former Foreign Minister; former Assistant Administrator for Latin America, UNDP.

Elisabeth Rehn (Finland)

UN Under-Secretary-General and Special Representative of the UN Secretary-General in Bosnia and Herzegovina.

Joseph Rotblat (United Kingdom)

Nobel Peace Laureate 1995 and Albert Einstein Prize 1992; Professor Emeritus of Physics, University of London; Co-ordinator, Pugwash Conferences on Science and World Affairs.

Michel Serres (France)

Writer and philosopher; Professor and Member of the French Royal Academy (Académie Française).

Farooq Sobhan (Bangladesh)

Executive Chairman, Board of Investment, Prime Minister's Office; former Foreign Secretary and Ambassador/High Commissioner to China, Malaysia, India and UN.

Wole Soyinka (Nigeria)

Nobel Laureate for Literature.

Serge Spitzer (United States)

Artist/sculptor.

Tan Sri Ghazali Shafie (Malaysia)

Former Foreign and Interior Minister; Member of South Commission.

Thorvald Stoltenberg (Norway)

Ambassador to Denmark; former Foreign and Defence Minister.

José María Tomás y Tío (Spain)

Dean of Judges of Valencia; President of the Foundation for Justice.

Jakob von Uexküll (Sweden)

Director and founder, The Right Livelihood Award.

Jan Urban (Czech Republic)

Publisher, Transitions; former Editor, Lidove Noviny.

Amelia Valcárcel (Spain)

Chair of the Department of Philosophy of Law, Ethics and Politics, University of Oviedo.

Miguel Veyrat (Spain)

Deputy Director, RNE; Writer and journalist.

Joanne Weschler (Poland)

United Nations Representative, Human Rights Watch.

Baroness Shirley Williams of Crosby (United Kingdom)

Professor, Harvard University, JFK School of Government; former Minister of Education; Member, House of Lords.

George Woodwell (United States)

President, Woods Hole Institute; Member, National Academy of Sciences.

Martin Woollacott (United Kingdom)

Foreign Policy Columnist and Assistant Editor, The Guardian.

Sheng Yu (China)

Professor; Advisor to Economic and Social Council of the National People's Congress.

Norton Zinder (United States)

Professor for Genetic Biology, Rockefeller University, New York; former Chairman, Program Advisory Committee on the Human Genome.

PERSONALITIES WHO PARTICIPATED IN THE DEBATES AND CONGRESSES OF THE PROGRAMME “HUMAN DUTIES AND RESPONSIBILITIES IN THE THIRD MILLENNIUM”

José Luis Abellán (Spain)

Chair of Philosophy at the Complutense University of Madrid.

María José Alcón (Spain)

Councillor for Culture, Valencia City Council.

Adrián Alemán de Armas (Spain)

Dean of the Faculty of Information Science at the University of La Laguna.

Pedro Altares (Spain)

Journalist, RNE.

Consuelo Álvarez de Toledo (Spain)

Audience ombudswoman at Antena 3.

Angelo Azzi (Italy)

Director of the Institute of Biochemistry and Molecular Biology of the University of Bern.

Lluís Bassets (Spain)

Assistant Director of El País.

Ignacio Bel (Spain)

Professor of Information Law at the Complutense University of Madrid and President of the Executive Committee of the Foundation for Social Communication.

Marisa Berenson (Italy)

Actress; Goodwill Ambassador, UNESCO.

Francisco Camps (Spain)

Secretary of State for Public Administration; former Councillor for Culture of the Valencian Government.

Pablo Capilla (Spain)

Professor at the Department of Journalism of the Faculty of Information Science at the Ramon Llull University of Barcelona.

Juan Carlos Carbonell Mateu (Spain)

Dean of the Faculty of Law at the University of Valencia.

Rodolfo Castro (Spain)

Director of the Faculty of Journalism at CEU-San Pablo, Valencia.

Antonio Colomer Viadel (Spain)

Professor of Constitutional Law, University of Valencia.

Jesús Conill (Spain)

Professor of Ethics, University of Valencia.

Adela Cortina (Spain)

Chair of Philosophy of Law, Ethics and Politics, University of Valencia.

Luis Escobar de la Serna (Spain)

Dean of the Faculty of Humanities at CEU-San Pablo, Madrid.

José María Espinosa (Spain)

Director of CEU-San Pablo, Valencia.

Joaquín Espinosa Carbonell (Spain)

Chair of Italian Philology at the University of Valencia.

Antonio Ferrandis (Spain)

Actor.

Joaquín Ferrandis (Spain)

President of the Association of Valencian Journalists.

Dario Fo (Italy)

Nobel Prize Laureate for Literature.

Vicente Garrido Malloll (Spain)

Secretary General, Juridical Advisory Council of the City of Valencia.

Baltasar Garzón (Spain)

Senior Judge of the National Criminal Court of Spain.

Ángel Gómez-Hortigüela (Spain)

Historian and philosopher; Specialist in the work of Juan Luis Vives.

Santiago Grisolia (Spain)

Professor and Director, International Programme for the Human Genome; President of the Valencia Council of Culture; President, Foundation for Advanced Studies.

Henry Kamm (United States)

Former editorialist of The New York Times.

Guillermo Kirkpatrick (Spain)

Ambassador of Spain to the European Council.

Manuel Lombau (Spain)

News Editor at TVE.

Josep Carles Laínez (Spain)

Writer and publisher; Editor, Círculo Cero.

Xosé López García (Spain)

Dean of the Faculty of Information Science at the University of Santiago de Compostela.

Juan José López Ibor (Spain)

Psychiatrist.

Javier de Lucas Martín (Spain)

Professor of the Department of the Philosophy of Law, Morals and Politics at the University of Valencia.

José Antonio Marina (Spain)

Philosopher and writer.

Margarita Mariscal de Gante (Spain)

Minister for Justice.

Jorge Martínez “Aspar” (Spain)

World Motorcycling Champion.

Federico Mayor Zaragoza (Spain)

Director General of UNESCO.

Juan Antonio Mesa (Spain)

Secretary of the National Commission of UNESCO.

Marcela Miró (Spain)

Councillor for Social Welfare of the Valencian Government

Manuel Montero García (Spain)

Dean of the Faculty of Information Science at the University of the Basque Country.

Vicente Navarro de Luján (Spain)

Director of CEU-San Pablo, Valencia.

Franco Nero (Italy)

Actor.

Luis del Olmo (Spain)

Director programme “Protagonistas” Onda Cero.

Leoluca Orlando (Italy)

Mayor of City of Palermo, Sicily; Member of the European Parliament; Professor of Law, University of Palermo.

Carlos Ortega (Peru)

Director, *Diálogo*, a UNESCO publication.

Marcelo Palacios (Spain)

President of the Spanish Bio-ethics Foundation and of the International Society of Bio-ethics.

Franca Rame (Italy)

Actress.

Manuel Reyes Mate (Spain)

Former Director of the Institute of Philosophy of the Higher Council for Scientific Research.

Carlos Robles Piquer (Spain)

President of the Cánovas del Castillo Foundation; Member of the European Parliament.

Concha Roldán (Spain)

Institute of Philosophy, Higher Council for Scientific Research.

Mort Rosenblum (United States)

Editor, *Herald Tribune*.

Piero Sanavio (Italy)

Writer and journalist.

Antonio Sánchez Bravo (Spain)

Chair of the Faculty of Journalism at the Complutense University; President of the Communications Working Group of the Spanish Commission for Co-operation with UNESCO.

José Sanmartín (Spain)

Chair of the Philosophy of Science at the University of Valencia; Director of UIMP-Valencia and the Reina Sofía Centre for Studies on Violence.

Fernando Savater (Spain)

Chair of Ethics at the Complutense University of Madrid.

Antonio Szigriszt Laca (Spain)

Area Manager for National News of RNE.

Manuel Tarancón Fandos (Spain)

Councillor for Culture of the Valencian Government; former President of the Diputación de Valencia

Francisco Torrent Guasp (Spain)

Cardiologist; Researcher on heart structure.

Leyla Umar (Turkey)

SIPA and GAMMA Agencies; Journalist at Sabah.

Eduardo Vallejo de Lejúa (Spain)

Mayor of Gernika.

Bernardo Valli (Italy)

Editorialist at La Repubblica.

Gianni Vattimo (Italy)

Philosopher; Chair at the Department of Philosophical Hermeneutics at the University of Torino.

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