

SPLOŠNA
DEKLARACIJA
ČLOVEKOVIH PRAVIC



Zbirka Mednarodno pravo
Mednarodni dokumenti

Splošna deklaracija človekovih pravic



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Mednarodni dokumenti

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KAZALO

PREDGOVOR (Karl Erjavec)	IV
FOREWORD (Karl Erjavec)	V
SPOROČILO (Zeid Ra'ad Al Hussein)	XIV
MESSAGE (Zeid Ra'ad Al Hussein)	XV
SPREMNA BESEDA (Vlasta Nussdorfer)	XVIII
PREFACE (Vlasta Nussdorfer)	XIX
SPLOŠNA DEKLARACIJA ČLOVEKOVIH PRAVIC	1
UNIVERSAL DECLARATION OF HUMAN RIGHTS	1

PREDGOVOR

Splošna deklaracija človekovih pravic je dokument, ki je ubesedil pričakovanja in prizadevanja za dostojanstvo vseh, za svobodno življenje, za življenje brez strahu in pomanjkanja. Človekove pravice so dolgoletna prioriteta slovenske zunanje politike, med drugim s posebnim poudarkom na zaščiti ranljivih skupin, boju proti vsem oblikam diskriminacije in izobraževanju za človekove pravice. Zato mi je v posebno čast podati predgovor k slovenski izdaji splošne deklaracije kot zgodovinskega dosežka mednarodne skupnosti.

Ko govorimo o Splošni deklaraciji človekovih pravic, moramo upoštevati, da gre za najdaljnosežnejši tovrstni dokument Organizacije združenih narodov, na katerem temelji celotna mednarodnopravna struktura človekovih pravic, ki se je oblikovala po njenem sprejetju. Tlakovala je pot širokemu soglasju mednarodne skupnosti glede nedotakljivosti človeškega dostojanstva in nabora človekovih pravic. Nenazadnje o pomenu deklaracije govori tudi dejstvo, da je prevedena v več kot 500 jezikov.

Zahvaljujoč prizadevanjem Društva za Združene narode za Slovenijo je slovenski prevod na voljo že več desetletij. Ob 70. obletnici sprejetja deklaracije pa smo pripravili uradni prevod, ki je bil letos objavljen v Uradnem listu Republike Slovenije. Knjižica pred vami je namenjena vsem nam, saj določa pravice vsakega od nas brez vsakršnega razlikovanja. Želim si, da bi dosegla čim širše občinstvo in se dotaknila vsakega bralca, saj je njen poglavitni

FOREWORD

The Universal Declaration of Human Rights is a document that put into words aspirations for everyone's dignity, for freedom, for a life free from fear and want. Human rights have long been one of Slovenia's key foreign policy priorities, focusing, among other things, on the protection of vulnerable groups, the fight against all forms of discrimination and human rights education.

I am therefore particularly honoured to be able to contribute the foreword to the Slovene edition of the Declaration – a historic achievement of the international community and one of the UN's most profound and far-reaching documents, which serves as the basis for the entire international legal structure of human rights established ever since. The Declaration paved the way for a broad consensus among the international community on the inviolability of human dignity and a specific set of human rights. Also speaking in favour of the Declaration's immense importance is the fact that it has been translated into more than 500 languages.

Thanks to the efforts of the United Nations Association of Slovenia, the Slovene translation has been available for decades. This year, however, on the Declaration's 70th anniversary, an official translation was made and published in the Official Gazette of the Republic of Slovenia. The publication before you is intended for every one of us, as it speaks for the rights of everyone, without any discrimination. I sincerely hope that it will find the widest possible audience

namen širiti sporočilo o temeljnih človekovih pravicah, dostojanstvu in enakosti.

Danes mora biti to sporočilo še posebej jasno, saj so aktualne globalne razmere tem načelom izrazito nenaklonjene. Slovenija trdno zagovarja stališče, da je dolžnost vsake države, da na svojem ozemlju spoštuje, varuje in uveljavlja človekove pravice, da ščiti prebivalstvo pred genocidom, vojnimi hudodelstvi, etničnim čiščenjem in hudodelstvi zoper človečnost, mednarodna skupnost pa ima odgovornost, da državam pri tem pomaga, tako da prek Organizacije združenih narodov v ta namen uporabi ustrezna diplomatska, humanitarna in druga miroljubna sredstva. Zaskrbljujoče je, da smo priča vse številnejšim oboroženim konfliktom in vse hujšim posledicam za civilno prebivalstvo, nekaznovanju grobih in sistematičnih kršitev človekovih pravic, poskusom genocida, krepitvi avtoritarnih tendenc, ksenofobije, rasizma ter verskega in političnega ekstremizma. Odgovorne članice mednarodne skupnosti si prizadevamo, da bi z veliko mero tenkočutnosti našle sprejemljivo ravnovesje med spoštovanjem človekovih pravic in temeljnih svoboščin ter učinkovitim zoperstavljanjem sodobnim globalnim varnostnim izzivom. Pri tem je treba poudariti zelo pozitivno dejstvo, da so človekove pravice trdno vpete v Agendo za trajnostni razvoj do leta 2030.

Duh današnjega časa je izrazito drugačen od tistega leta 1948, ko je zaradi grozot svetovne vojne prevladovalo trdno zavedanje o nujnosti oblikovanja drugačnega sveta, drugačnih odnosov med državami ter drugačnega razmerja med državo in državljani. Kljub temu pa proces priprave in sprejetja Splošne deklaracije človekovih pravic ni bil enostaven. Spomnimo se, da so se že pred koncem vojne začeli

and touch every reader, as its main goal is to widely spread the message of fundamental human rights, dignity and equality.

Today, this message needs to be especially clear, given that – globally speaking – the current state of affairs is highly unfavourable to these principles. Slovenia stands firmly behind the belief that each individual state has the responsibility to respect, protect and enforce human rights, protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity on its territory, and that the international community, through the United Nations, has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help states exercise this responsibility. What causes concern in this regard is the fact that we have been witnessing a growing number of armed conflicts and their increasingly dire effect on civilian populations, impunity for grave and systematic violations of human rights, attempts at genocide, a strengthening of authoritarian tendencies, rampant xenophobia and racism, as well as religious and political extremism. With great sensitivity, responsible members of the international community seek to strike an acceptable balance between respect for human rights and fundamental freedoms, and effective action against contemporary global security challenges. It can be judged very positive that human rights are embedded in the 2030 Agenda for Sustainable Development.

The defining spirit of today is markedly different from the atmosphere in 1948 when, due to the horrors of the world war, the awareness that humankind had to create a different world, foster different relations between countries and establish a different relationship between the state and its citizens was still acute. Nevertheless,

oblikovati obrisi bipolarnega sveta. Razlike med vrednotami in prioriteta mi obeh polov so povzročile napetosti v procesu, ki je bil težaven zaradi različnih ver, kultur in tradicij kot tudi zgodovinskih okoliščin posameznih držav. Politični modrosti in moralni avtoriteti Eleanor Roosevelt, ki je vodila pripravo deklaracije, in seveda prizadevanjem posameznikov, kot so René Cassin, John Peters Humphrey, Charles Habib Malik, Peng-chun Chang, Hansa Jivraj Mehta, in številnih drugih, ki so sodelovali pri pisanju tega zgodovinskega dokumenta, gredo zasluge za besedilo, ki je danes temeljni kamen mednarodnega prava človekovih pravic.

Naloga zgodovinarjev in raziskovalcev nastanka Splošne deklaracije človekovih pravic je celovita ocena vloge, ki jo je nekdanja Federativna ljudska republika Jugoslavija, katere del je bila Slovenija, imela pri oblikovanju besedila v okviru Organizacije združenih narodov. Nedvomno pa lahko pozitivno ocenimo njena prizadevanja, da se v deklaraciji ubesedijo enake pravice posameznikov ne glede na mednarodni položaj dežele ali ozemlja, ki mu pripadajo, pa naj bo to ozemlje neodvisno ali omejeno v svoji suverenosti, kot tudi neuspela prizadevanja, da se vanjo vključijo pravice in zaščita narodnih manjšin ter pravica do samoodločbe. Preteči so morala še skoraj tri desetletja, da je bila pravica do samoodločbe, ki je temelj samostojne Republike Slovenije, vključena v zavezujoči mednarodni pogodbi s področja človekovih pravic, tj. Mednarodni pakt o državljanskih in političnih pravicah ter Mednarodni pakt o ekonomskih, socialnih in kulturnih pravicah. Oba pakta, oba fakultativna protokola k Mednarodnemu paktu o državljanskih in političnih pravicah ter Splošna deklaracija človekovih pravic so sestavni deli Mednarodne listine o človekovih pravicah.

the process of preparing and adopting the Universal Declaration of Human Rights was by no means an easy task. Let us not forget that the first outlines of a bipolar world started to take shape even before the end of the war. The diverging values and priorities of the two poles further aggravated tensions arising from different religions, cultures and traditions, as well as the historical circumstances of particular countries. We have to thank the political wisdom and moral authority of Eleanor Roosevelt, who was chosen to chair the UN effort to draft the Declaration, and the endeavours of notable individuals, such as René Cassin, John Peters Humphrey, Charles Habib Malik, Peng-chun Chang, Hansa Jivraj Mehta and many others, that today we have the text which is the keystone of international human rights law.

Historians and those researching the beginnings of the Universal Declaration of Human Rights are yet to comprehensively assess the role played by the Federal People's Republic of Yugoslavia, which Slovenia was part of, in the drafting of the narrative. Nevertheless, we can judge as positive Yugoslavia's efforts to include the wording on equal rights of everyone regardless of the international status of their country or the territory to which a person belongs, whether it be independent or under any limitation of sovereignty, as well as its failed endeavours to incorporate the rights and protection of national minorities and the right to self-determination. It took almost three further decades for the right to self-determination, the foundation of an independent Republic of Slovenia, to be enshrined in the binding treaties on human rights – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The two Covenants, together with the

Ne moremo mimo moralnega dolga, ki je spodbudil pripravo in vodil pisanje Splošne deklaracije človekovih pravic. Moralnega dolga, ker je svet pred drugo svetovno vojno predolgo nemo gledal razraščanje diskriminacije in preganjanja manjšin ter grozodejstva nacističnega režima in njegovih somišljenikov in podpornikov nad Judi in drugimi skupinami. Moralnega dolga, ker je svet predolgo nemo dopuščal razglašanje in politiko večvrednosti ene rase nad drugimi. Gre za ključne trenutke v zgodovini, ki se jih moramo spominjati. Predvsem pa se moramo iz njih učiti. Grobe, razširjene in sistematične kršitve človekovih pravic in temeljnih svoboščin so prvi opozorilni znaki, da bo prišlo do izbruha novih kriz in notranjih ali mednarodnih konfliktov.

Stanje človekovih pravic nedvomno vpliva na zagotavljanje miru in varnosti v svetu. V tem kontekstu je treba posebej poudariti pomembno vlogo zagovornikov človekovih pravic. V vsaki družbi in vsaki skupnosti, tudi mednarodni, moramo opozarjati na kršitve človekovih pravic, se zoperstavljati kršiteljem ter se zavzemati za spoštovanje in uveljavljanje človekovih pravic vsakega posameznika. Splošna deklaracija človekovih pravic je bila razglašena za naš ideal. Njeno *priznanje prirojenega človeškega dostojanstva ter enakih in neodtujljivih pravic* vsakogar navdihuje napore mednarodnih organizacij, vlad, civilne družbe in posameznikov z vsega sveta za svobodo, pravičnost in mir.

Slovenija se zaveda pomembnosti izobraževanja in usposabljanja za človekove pravice ter se v svojih zunanjepolitičnih aktivnostih trdno zavzema za podporo takšnim procesom. Kdor pozna pravice in svoboščine ter njihov pomen, bo znal zagovarjati svoje pravice ter

two Optional Protocols thereto and the Universal Declaration of Human Rights, are integral parts of the International Bill of Human Rights.

Here, we should mention the moral debt which motivated the preparation and guided the drafting of the Declaration. Moral debt, because before World War II, the world stood still for a long time, watching the spread of discrimination and prosecution of minorities, and the atrocities perpetrated by the Nazi regime and its adherents against the Jews and other groups, the moral debt, because the world stood silent in the face of loud declarations of the superiority of one race over the others. Those were critical moments in history, which we must remember and, more importantly, learn from. Grave, widespread and systematic violations of human rights and fundamental freedoms are one of the first warning signs of emerging crises, internal or international conflicts.

The human rights situation undeniably affects peace and security in the world. It is in this context that the role of human rights defenders must be stressed. In every society and every community, national or international, we need to take a stand against violations and violators of human rights and commit to striving for respect for, and the enforcement of, every individual's human rights. The Universal Declaration of Human Rights was proclaimed as the highest aspiration of the common people. Its focus on the *recognition of the inherent dignity and of the equal and inalienable rights* of everyone inspires international organisations, governments, civil society and individuals all around the world to keep striving for freedom, justice and peace.

spoštovati enake pravice drugih. Z besedo in zgledom je pomembno vzgajati tudi otroke in mlade za medsebojno spoštovanje, strpnost in humanost.

Človekove pravice so ključ do enotne in vključujoče družbe, so vrata v svet, v katerem bomo vsi *uživali svobodo govora in prepričanja ter svobodo živeti brez strahu in pomanjkanja*. Visoki standardi Splošne deklaracije človekovih pravic tako tudi v današnjem času ohranjajo svojo bistveno sporočilnost.

Karl Erjavec
minister za zunanje zadeve

Slovenia recognises the crucial role of human rights education and training, and firmly supports such education through its foreign policy activities. Only people who are aware of rights and freedoms and their importance will be able to stand up for their rights and respect the rights of others. Children need to be raised by guidance and by setting a good example to foster mutual respect, tolerance and humaneness.

Human rights are essential for an equitable and inclusive society, for a world in which we can all *enjoy freedom of speech and belief and freedom from fear and want*. The high standards set in the Universal Declaration of Human Rights thus continue to proclaim their potent message.

Karl Erjavec
Minister of Foreign Affairs

SPOROČILO

visokega komisarja OZN za človekove pravice ob izdaji Splošne deklaracije človekovih pravic v slovenskem jeziku

“Vsi ljudje se rodijo svobodni ter imajo enako dostojanstvo in enake pravice” so morda najodmevnejše in najlepše besede, kar jih je mogoče najti v kateremkoli mednarodnem aktu.

Splošna deklaracija vsem ljudem obljublja pravice, ki so temelj svobode živeti brez strahu in pomanjkanja. Te pravice niso nagrada za lepo vedenje ali pridržane le posebnim skupinam, temveč so do njih neodtujljivo upravičeni vsi ljudje vsepovsod – “brez vsakršnega razlikovanja” –, pa naj gre za raso, barvo kože, spol, jezik, vero, politični nazor, narodno poreklo ali katerokoli drugo okoliščino.

S sprejetjem splošne deklaracije se kršitve človekovih pravice niso končale, toda odtlej so nešteti ljudje pridobili večjo svobodo. Preprečene so bile kršitve, doseženi sta bili neodvisnost in avtonomija. Mnogi ljudje, čeprav ne vsi, so si lahko zagotovili svobodo pred mučenjem, neupravičenim zaporom, usmrtnitvijo po hitrem postopku, preganjanjem in diskriminacijo ter pošten dostop do izobraževanja, ekonomskih priložnosti, zadostnih sredstev in zdravstvenega varstva. Dosegli so zadoščenje za krivice ter nacionalno in mednarodno varstvo svojih pravic.

MESSAGE

by the UN High Commissioner for Human Rights upon the publication of the Slovene Edition of the Universal Declaration of Human Rights

In perhaps the most resonant and beautiful words of any international agreement, “all human beings are born free and equal in dignity and rights.”

The Universal Declaration promises to all the human rights that underpin freedom from want and fear. They are not a reward for good behaviour, or reserved for special groups. They are the inalienable entitlements of all people, in all places — “without distinction of any kind,” whether that be race, colour, sex, language, religion, political opinion, national origin, or any other status.

Human rights abuses did not end when the Universal Declaration was adopted. But since then, countless people have gained greater freedom. Violations have been prevented; independence and autonomy have been attained. Many people – though not all – have been able to secure freedom from torture, unjustified imprisonment, summary execution, persecution and discrimination, as well as fair access to education, economic opportunities, and adequate resources and health-care. They have obtained justice for wrongs, and national and international protection for their rights.

Moč splošne deklaracije je moč zamisli, ki spreminjajo svet. Ob svoji 70. obletnici nas še vedno vse poziva, naj se postavimo za človekove pravice – svoje in pravice drugih.

Zeid Ra'ad Al Hussein
visoki komisar OZN za človekove pravice

The power of the Universal Declaration is the power of ideas to change the world. In its 70th year it continues to call on all of us to stand up for human rights – our own, and those of others.

Zeid Ra'ad Al Hussein
UN High Commissioner for Human Rights

SPREMNA BESEDA

Biti pravičen do sebe in drugih, to je najtežja stvar na tem svetu.

Franz Grillparzer

Spoštovane in spoštovani,

kot varuhinja človekovih pravic v Republiki Sloveniji se močno zavedam, da je dogodek pred sedemdesetimi leti, ko je Generalna skupščina Organizacije združenih narodov na tretjem zasedanju v Parizu 10. decembra 1948 razglasila Splošno deklaracijo človekovih pravic, močno in usodno zaznamoval ljudi in svet. Nanjo se namreč lahko sklicujemo vsi, ne glede na raso, veroizpoved, jezik, spol, politični ali drugi nazor, materialno stanje in druge osebne okoliščine, po katerih se sicer močno razlikujemo. Kljub številnim različnostim nam pripadajo enake pravice. Pa nam v resnici ali zgolj na papirju? Da bi jih lahko uveljavljali, so jih mednarodne organizacije za človekove pravice in države zavarovale s pravom: svojstven odsev deklariranih pravic so vse ustave držav sveta, mednarodne pogodbe, konvencije OZN in Sveta Evrope ter Listina EU o temeljnih pravicah. V skladu z njimi so človekovo dostojanstvo, svoboda, demokracija, enakost, pravna država in spoštovanje človekovih pravic tiste vrednote, ki bi morale prevevati sleherno odločitev posameznika ali organa na lokalni, državni in mednarodni ravni.

PREFACE

To be righteous towards oneself and towards others, this is the hardest thing on earth.

Franz Grillparzer

Dear Readers,

As the Human Rights Ombudsman of the Republic of Slovenia, I am keenly aware that 70 years ago, the proclamation of the Universal Declaration of Human Rights by the UN General Assembly at its 3rd session in Paris on 10 December 1948 left a decisive and indelible mark on the world and all people. Anybody may invoke its provisions, regardless of their race, religion, language, gender, political or other opinions, property or other personal circumstances, which seemingly set us apart. Despite our numerous differences, we all have equal rights – but do we really, or only on paper? In order to enforce these rights, international human rights organisations and states have protected them by law. Reflections of the rights enshrined in the Declaration can thus be found in the constitutions of all states, in treaties, in UN and Council of Europe conventions, and in the Charter of Fundamental Rights of the European Union. In all these documents, human dignity, freedom, democracy, equality, the rule of law and respect for human rights are values which influence – or should influence – every decision taken by any individual or by any local, state or international body.

Zgodovina je učiteljica življenja, a zdi se mi, da smo ljudje sveta njeni zelo slabi učenci. Ne zavedamo se razsežnosti družbenih temeljev iz deklaracije, ki so bili sprejeti tudi zato, da se strahote človeštva, preživete v obeh svetovnih vojnah, ne bi nikdar več ponovile. Pa bi se jih morali zavedati, da bi se lahko še odločneje uprli vsem, ki menijo, da se medsebojni konflikti rešujejo s silo, vojname, milijoni mrtvih civilistov in rekami beguncev, lakoto, revščino in siromaštvom ter trpljenjem nedolžnih.

Kljub jasni zavezi o spoštovanju človekovih pravic smo priča njihovem vsakodnevnomu teptanju, izkoriščanju ljudi, suženjstvu in brezpravnemu položaju. V svetu vojn in političnih spopadov premnogi izgubljajo edini dom, ki so ga imeli, bežijo in potujejo, da bi našli mir in temeljno človeško razumevanje ter ohranili dostojanstvo. Na običajno dolgi in človeka nevredni poti naletijo predvsem na odpor, nerazumevanje, želje in zahteve po izgonu, ker niso "naši", temveč prišleki. So nezaželeni, čeprav si želijo le streho nad glavo, hrano zase in za svoje otroke, možnost dela in izobraževanja. Največkrat jim ne pomaga niti sklicevanje na deklaracije in konvencije, zlasti če so ujetniki strogih birokratskih postopkov, ki potekajo izjemno počasi in največkrat brez temeljne človečnosti in razumevanja. Države, tudi Slovenija, imajo obveznosti do beguncev in prosilcev za azil na podlagi Evropske konvencije o človekovih pravicah, ki ščiti pravico do življenja in prepoveduje mučenje, zato moramo zaščititi tiste, ki resnično tvegajo smrt, mučenje, nečloveško in ponižujoče ravnanje zaradi svojih verskih prepričanj in pripadnosti, zaradi česar so tudi zbežali od doma.

History is the teacher of life. However, people seem to be very poor students. We are not aware of all the dimensions of the social foundations contained in the Declaration, which was adopted so that the horrors experienced during the two world wars would never be repeated. But we should be conscious of those dimensions, so that we can more confidently stand up to all those who believe that conflicts can be resolved by force, war, millions of dead civilians and rivers of refugees, starvation, poverty and the suffering of countless innocent people.

Despite a clear commitment to respect for human rights, humankind daily witnesses their violations, exploitation, slavery and lawlessness. In a world marked by wars and political struggle, many lose their homes, are forced to flee and travel far and wide to find peace and fundamental human understanding, to retain their dignity. Unfortunately, on their usually long and dehumanising journeys, they often encounter opposition, lack of understanding and demands for deportation for being newcomers instead of ‘one of us’. All these people want is a roof above their heads, food for themselves and their children, and the possibility of work and education, yet they are made unwanted and unwelcome. More often than not, declarations and conventions are of little help, particularly when people are captives of rigid bureaucratic procedures that are implemented too slowly and without basic humaneness and sympathy. However, states, Slovenia included, have obligations to refugees and asylum seekers on the basis of the European Convention on Human Rights, which protects the right to life and prohibits torture. We

Sprašujem se, ali se sploh dovolj zavedamo posledic tovrstnih kršitev človekovih pravic in svoboščin. Menim, da se ne, kajti kot sodobni ljudje, prikovani pred televizijske zaslone in druga komunikacijska sredstva, le obnemimo ob grozovitih prizorih fizičnega in psihičnega nasilja nad ljudmi. Že naslednji trenutek jih skušamo potisniti v pozabo in si želimo spodbudnejših novic, da ohranimo notranji mir in zadovoljstvo. Nikoli prej nismo bili tako vsesplošno informirani in sočasno tako brezupno nemočni kot danes. Zato se moramo kot ljudje predramiti in prevzeti del odgovornosti za stanje okoli nas in kot aktivni državljani ukrepati, kakor znamo in zmoremo. Nekateri z aktivističnim delom v nevladnih organizacijah, drugi v okviru svojih službenih obveznosti; vsi lahko storimo več za uveljavljanje človekovih pravic doma in v svetu. Človekove pravice namreč niso izbojevane enkrat za vselej in v vseh okoliščinah. Zanje se moramo boriti vsakodnevno, zase in tudi za druge.

V petih letih delovanja kot varuhinja človekovih pravic sem spoznala vse razsežnosti spoštovanja in nespoštovanja človekovih pravic v Sloveniji. S sodelavkami in sodelavci neumorno analiziramo številne pobude, ki jih prejmemo od ljudi z vseh koncev Slovenije, pa tudi od državljanov drugih držav. Mnogi zatrjujejo, da so jim kršene človekove pravice in svoboščine. Že skoraj četrto stoletja o svojih ugotovitvah poročamo državnemu zboru in slovenski javnosti ter priporočamo odpravo sleherne kršitve.

Soočamo se s kršenjem ustavnega načela, da je Slovenija pravna in socialna država, s kršenjem pravice do varstva zasebnosti in osebnostnih pravic, kršenjem pravice do socialne varnosti, osebnega dostojanstva, zdravstvenega varstva in enakega varstva pravic

therefore must protect those who would risk death, torture, and inhuman and degrading treatment owing to their religious beliefs or affiliation if they did not flee from their homes.

Are we actually aware of the consequences of such violations of human rights and freedoms? Hardly. Glued to TV screens and modern communication devices, we feel a moment of anxiety watching the scenes of physical or psychological violence, but the very next moment, we erase those pictures from our minds and search for more positive news in order to maintain our inner peace and comfort. Never before have we been better informed, yet at the same time more hopelessly powerless. We must therefore wake up, assume our share of responsibility for the situation around us and, as active citizens, do what we can, some through NGOs and others within the scope of their professional obligations. We could all do much more to enforce human rights at home and abroad, since human rights are not acquired once and for all and in all circumstances. Every day we must fight for them again and again, for ourselves and for others.

During my five years as Human Rights Ombudsman, I have seen up close all the dimensions of respect and disrespect for human rights in Slovenia. My colleagues and I work tirelessly, analysing countless complaints from people all over Slovenia, as well as from foreign citizens. Many maintain that their human rights and freedoms have been violated. For almost a quarter of a century, the Office of the Ombudsman has communicated its findings to the National Assembly and the Slovenian public, appealing to those responsible to put an end to any violation.

ter kršenjem pravice do zdravega življenjskega okolja in obravnave brez vsake diskriminacije na podlagi katerekoli osebne okoliščine. Kršene so otrokove pravice, pravice starejših, pravice ljudi z odvzeto svobodo gibanja, duševno bolnih, invalidov, pripadnikov nacionalnih manjšin in etničnih skupin. Soočamo se s kršenjem načela dobrega upravljanja in pravične obravnave. Včasih lahko zgolj ena utemeljena pobuda, v kateri je varuh človekovih pravic ugotovil sistemsko nepravilnost, pomeni kršitev pravic več sto ali celo več tisoč oseb. Najpogosteje pa gre za primere, ki zadevajo posameznike in ne koreninijo nujno v sistemskih slabostih. Vendar je za varuha pomembna prav vsaka posameznica in posameznik, kajti kršitev to osebo globoko prizadene, država pa je dolžna kršitve odpraviti. Tudi zato so pomembni kontrolni mehanizmi doma in v svetu, ki bdijo nad včasih samovoljnim in brezobzirnim teptanjem človekovih pravic in svoboščin s strani državnih ali lokalnih organov. Kršitve koreninijo tudi v nedorečenih ali slabo pripravljenih zakonih, pravnih in drugih aktih ali pa v njihovi odsotnosti.

Mnogi še vedno menijo, da je neizpodbitno in samoumevno vse, kar je zapisano v ustavah in konvencijah, in vse, kar je načeloma dogovorjeno in zapisano v deklaracijah. Pa ni tako, kajti njihovo uveljavljanje je težavna in stalna naloga države oziroma njene zakonodajne, izvršilne in sodne veje oblasti. Za sistemska vprašanja varovanja človekovih pravic so zlasti in predvsem odgovorni izvoljeni predstavniki ljudstva, ki bi morali človekove pravice dobro poznati, da bi lahko vsako odločitev ocenjevali skozi prizmo njihovega spoštovanja in uveljavljanja s slehernim ukrepom oblasti.

The complaints refer to violations of the constitutional principle stipulating that Slovenia is a state governed by the rule of law and a welfare state, violations of the right to privacy and of personality rights, the right to social security, to personal dignity, to health care, to equal protection of the right to a healthy environment and to equal treatment without any discrimination on the grounds of any personal circumstance. Violations are reported of the rights of the child, the elderly, persons deprived of the freedom of movement, persons with mental disorders, people with disabilities, and members of national minorities and ethnic groups. We see violations of the principle of good governance and fair treatment. Sometimes a single well-founded complaint in which the Ombudsman establishes systemic irregularities testifies to the violations of the rights of hundreds or even thousands of people. The most frequent, however, are cases that cannot necessarily be attributed to systemic shortcomings. And for the Ombudsman, every single individual counts, as every infringement affects him or her deeply, and the state is obliged to eliminate violations. This is why it is important to institute control mechanisms at home and internationally that watch over the sometimes arbitrary and ruthless trampling on human rights and freedoms by state or local bodies. Furthermore, some violations are rooted in poorly considered or inadequately articulated laws, regulations or other legal documents, or else in their absence.

Many people still believe that everything written in constitutions and conventions or agreed upon in principle and enshrined in declarations holds true without reservations and is self-evident. Unfortunately, this is not the case; enforcing these rights is a demanding and permanent task of the state and its legislative, executive and

Kljub kritičnim besedam pa lahko vendarle zaključim, da sem načeloma zadovoljna z ravno spoštovanja človekovih pravic in svoboščin v Republiki Sloveniji ter da so načela deklaracije dobro vtkana v najpomembnejše državne akte in zakonodajo. Načela pa sama po sebi ne varujejo slehernika, temveč jih moramo vsakodnevno živeti ter z njimi prežeti svoje delo in dejanja. Vse kršitve človekovih pravic in svoboščin lahko odpravimo, če se le zavedamo, da je obstoj sodobne družbe odvisen prav od njihovega spoštovanja.

Vlasta Nussdorfer
varuhinja človekovih pravic

judiciary bodies. But, first of all, systemic issues related to protecting human rights are the responsibility of the elected representatives of the people, who should have detailed knowledge of human rights in order to be able to evaluate every decision and every measure adopted by the authorities in the light of their respect and enforcement.

However, despite some critical words, I can assure the readers that I am satisfied with the level of respect for human rights and freedoms in the Republic of Slovenia, and that the principles enshrined in the Declaration have been effectively embedded into the most important national instruments and legislation. However, the principles alone cannot protect anyone; principles need to be translated into action and applied in our everyday life and work. Violations can be eliminated only if we have an acute awareness that the survival of modern society depends on respect for human rights and freedoms.

Vlasta Nussdorfer
Human Rights Ombudsman

**SPLOŠNA DEKLARACIJA
ČLOVEKOVIH PRAVIC**

**UNIVERSAL DECLARATION
OF HUMAN RIGHTS**

SPLOŠNA DEKLARACIJA ČLOVEKOVIH PRAVIC

PREAMBULA

Ker priznanje prirojenega dostojanstva ter enakih in neodtujljivih pravic vseh članov človeške družine pomeni temelj svobode, pravičnosti in miru v svetu,

ker sta zanikanje in teptanje človekovih pravic pripeljala do barbarskih dejanj, ki so pretresla zavest človeštva, in ker je bila za najvišjo spoznana težnja človeštva, da bi nastopil svet, v katerem bodo ljudje uživali svobodo govora in prepričanja ter svobodo živeti brez strahu in pomanjkanja,

ker je nujno potrebno človekove pravice zavarovati z vladavino prava, da se človek v skrajni sili ne bi bil prisiljen zateči k uporabi zoper tiranijo in zatiranje,

ker je nujno potrebno spodbujati razvoj prijateljskih odnosov med narodi,

ker so ljudstva Organizacije združenih narodov v Ustanovni listini potrdila svojo vero v temeljne človekove pravice, dostojanstvo in vrednost človeškega bitja ter v enake pravice moških in žensk ter se odločila, da bodo spodbujala družbeni napredek in boljše življenjske razmere v večji svobodi,

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

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

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

ker so se države članice zavezale, da bodo, v sodelovanju z Organizacijo združenih narodov, zagotavljale splošno spoštovanje in upoštevanje človekovih pravic in temeljnih svoboščin,

ker je skupno razumevanje teh pravic in svoboščin največjega pomena za celovito uresničitev te zaveze,

Generalna skupščina

razglaša Splošno deklaracijo človekovih pravic kot skupen ideal vseh ljudstev in vseh narodov z namenom, da bi vsi posamezniki in vsi organi družbe, vselej ob upoštevanju te deklaracije, z vzgojo in izobraževanjem spodbujali spoštovanje teh pravic in svoboščin ter s postopnimi državnimi in mednarodnimi ukrepi zagotovili njihovo splošno in dejansko priznanje in upoštevanje, tako med ljudstvi držav članic samih kakor tudi med ljudstvi ozemelj pod njihovo upravo.

1. člen

Vsi ljudje se rodijo svobodni ter imajo enako dostojanstvo in pravice. Dana sta jim razum in vest, in bi morali drug z drugim ravnati v duhu bratstva.

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

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,
The General Assembly,

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

Article 1

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

2. člen

Vsakdo je upravičen do uživanja vseh pravic in svoboščin, zapisanih v tej deklaraciji, brez vsakršnega razlikovanja, zlasti glede na raso, barvo kože, spol, jezik, vero, politični ali drugi nazor, narodno ali družbeno poreklo, premoženje, rojstvo ali katerokoli drugo okoliščino.

Poleg tega ni dopustno nikakršno razlikovanje na podlagi politične ali pravne ureditve ali mednarodnega položaja dežele ali ozemlja, ki mu kdo pripada, pa naj bo to ozemlje neodvisno, pod skrbništvom, brez samouprave ali kakorkoli omejeno v svoji suverenosti.

3. člen

Vsakdo ima pravico do življenja, prostosti in osebne varnosti.

4. člen

Nikogar se ne sme držati v suženjstvu ali podložnosti; suženjstvo in trgovina s sužnji sta prepovedana v vseh oblikah.

5. člen

Nikogar se ne sme podvreči mučenju ali krutemu, nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

Article 2

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

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

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

Article 5

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

6. člen

Vsakdo ima pravico, da mu je povsod priznana pravna osebnost.

7. člen

Vsi so enaki pred zakonom in vsi imajo brez kakršnegakoli razlikovanja pravico do enakega pravnega varstva. Vsi imajo pravico do enakega varstva pred sleherno diskriminacijo, ki bi kršila to deklaracijo, kakor tudi pred vsakršnim spodbujanjem k takšni diskriminaciji.

8. člen

Vsakdo ima pravico do učinkovitega pravnega sredstva pred pristojnimi državnimi sodišči za dejanja, ki kršijo temeljne pravice, ki so mu priznane po ustavi ali zakonu.

9. člen

Nikogar se ne sme samovoljno prijeti, pridržati ali izgnati.

10. člen

Vsakdo je pri odločanju o njegovih pravicah in dolžnostih in v primeru kakršnekoli kazenske obtožbe zoper njega upravičen ob polni enakosti do pravične in javne obravnave pred neodvisnim in nepristranskim sodiščem.

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

11. člen

1. Kdor je obtožen kaznivega dejanja, ima pravico veljati za nedolžnega, dokler ni v skladu z zakonom dokazana njegova krivda v javnem sojenju, v katerem so mu bile zagotovljene vse možnosti za obrambo.

2. Nihče ne sme biti spoznan za krivega kateregakoli kaznivega dejanja zaradi storitve ali opustitve, ki ni bilo določeno kot kaznivo dejanje po notranjem ali mednarodnem pravu v času, ko je bilo storjeno. Prav tako se ne sme izreči strožja kazen od tiste, ki jo je bilo mogoče izreči, ko je bilo kaznivo dejanje storjeno.

12. člen

Nikomur se ne sme nihče samovoljno vmešavati v zasebno življenje, družino, dom ali dopisovanje niti ne sme žaliti njegove časti in dobrega imena. Vsakdo ima pravico do pravnega varstva pred takšnim vmešavanjem ali napadi.

13. člen

1. Vsakdo ima pravico do svobodnega gibanja in prebivanja znotraj meja določene države.

2. Vsakdo ima pravico zapustiti vsako državo, tudi svojo, in se vrniti v svojo državo.

Article 11

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

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

Article 12

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

Article 13

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

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

14. člen

1. Vsakdo ima pravico v drugih državah iskati in uživati pribežališče pred preganjanjem.

2. Na to pravico se ni mogoče sklicevati v primeru pregona, ki dejansko temelji na nepolitičnih kaznivih dejanjih ali dejanjih, ki so v nasprotju s cilji in načeli Organizacije združenih narodov.

15. člen

1. Vsakdo ima pravico do državljanstva.

2. Nikomur se ne sme samovoljno odvzeti državljanstva ali odreči pravice do spremembe državljanstva.

16. člen

1. Polnoletni moški in ženske imajo brez kakršnihkoli omejitev glede rase, državljanstva ali vere pravico skleniti zakonsko zvezo in ustvariti družino. Imajo enake pravice glede zakonske zveze, med njenim trajanjem in ob razvezi.

2. Zakonska zveza se sme skleniti samo s svobodno in polno privolitvijo obeh bodočih zakoncev.

3. Družina je naravna in temeljna enota družbe ter ima pravico do družbenega in državnega varstva.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

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

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

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

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

17. člen

1. Vsakdo, bodisi sam bodisi skupaj z drugimi, ima pravico imeti v lasti premoženje.
2. Nikomur ne sme biti premoženje samovoljno odvzeto.

18. člen

Vsakdo ima pravico do svobode misli, vesti in vere; ta pravica vključuje svobodo spremeniti vero ali prepričanje ter svobodo, da bodisi sam bodisi skupaj z drugimi ter javno ali zasebno izraža svojo vero ali prepričanje s poučevanjem, prakso, bogoslužjem in verskimi obredi.

19. člen

Vsakdo ima pravico do svobode mnenja in izražanja; ta pravica vključuje svobodo imeti mnenje brez vmešavanja ter svobodo iskati, sprejemati in širiti informacije in ideje na kakršenkoli način in ne glede na meje.

20. člen

1. Vsakdo ima pravico do svobode mirnega zbiranja in združevanja.
2. Nikogar se ne sme prisiliti k članstvu v kateremkoli združenju.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

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

Article 19

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

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

21. člen

1. Vsakdo ima pravico sodelovati pri upravljanju svoje države neposredno ali po svobodno izbranih predstavnikih.

2. Vsakdo ima pravico do enakega dostopa do javnih služb v svoji državi.

3. Volja ljudstva je temelj javne oblasti; ta volja se izraža na rednih in poštenih volitvah ob splošni in enaki volilni pravici ter s tajnim glasovanjem ali po drugem enakovrednem postopku svobodnega glasovanja.

22. člen

Vsakdo ima kot član družbe pravico do socialne varnosti in je, na podlagi nacionalnih prizadevanj in mednarodnega sodelovanja ter ob upoštevanju organizacije in virov vsake države, upravičen do uresničevanja ekonomskih, socialnih in kulturnih pravic, ki so nepogrešljive za njegovo dostojanstvo in svoboden razvoj njegove osebnosti.

23. člen

1. Vsakdo ima pravico do dela, proste izbire zaposlitve, pravičnih in ustreznih delovnih pogojev in varstva pred brezposelnostjo.

2. Vsakdo ima, brez vsakršne diskriminacije, pravico do enakega plačila za enako delo.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

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

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Kdor dela, ima pravico do pravičnega in ustreznega plačila, ki njemu in njegovi družini zagotavlja človeka dostojen obstoj in ki se po potrebi dopolni z drugimi ukrepi socialnega varstva.

4. Vsakdo ima pravico do ustanavljanja sindikatov in članstva v njih za varstvo svojih interesov.

24. člen

Vsakdo ima pravico do počitka in prostega časa, vključno z razumno omejitvijo delovnega časa, in pravico do rednega plačanega dopusta.

25. člen

1. Vsakdo ima pravico do življenjske ravni, ki njemu in njegovi družini omogoča zdravje in blaginjo, vključno s hrano, obleko, bivališčem, zdravstveno oskrbo in potrebnimi socialnimi storitvami ter pravico do varnosti v primeru brezposelnosti, bolezni, invalidnosti, vdovstva, starosti ali druge nezmožnosti pridobivanja sredstev za preživljanje zaradi okoliščin, neodvisnih od njegove volje.

2. Materinstvo in otroštvo sta upravičena do posebne skrbi in pomoči. Vsi otroci, rojeni v zakonski zvezi ali zunaj nje, uživajo enako socialno varstvo.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

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

Article 24

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

Article 25

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

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

26. člen

1. Vsakdo ima pravico do izobraževanja. Izobraževanje je brezplačno vsaj na osnovnih in temeljnih stopnjah. Izobraževanje na osnovni stopnji je obvezno. Tehnično in poklicno izobraževanje je splošno dostopno; visokošolsko izobraževanje je vsem enako dostopno na podlagi doseženih uspehov.

2. Izobraževanje je usmerjeno k polnemu razvoju človekove osebnosti in utrjevanju spoštovanja človekovih pravic in temeljnih svoboščin. Spodbuja razumevanje, strpnost in prijateljstvo med vsemi narodi in rasnimi ali verskimi skupinami ter podpira dejavnosti Organizacije združenih narodov za ohranjanje miru.

3. Starši imajo prednostno pravico pri izbiri vrste izobraževanja svojih otrok.

27. člen

1. Vsakdo ima pravico prosto sodelovati v kulturnem življenju skupnosti, uživati umetnost ter biti udeležen pri znanstvenem napredku in njegovih koristih.

2. Vsakdo ima pravico do varstva moralnih in premoženjskih koristi, ki izhajajo iz kateregakoli znanstvenega, književnega ali umetniškega dela, katerega avtor je.

Article 26

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

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

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

Article 27

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

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

28. člen

Vsakdo je upravičen do družbenega in mednarodnega reda, v katerem se lahko v polni meri uresničujejo pravice in svoboščine, določene v tej deklaraciji.

29. člen

1. Vsakdo ima dolžnosti do skupnosti, kajti samo v njej je mogoč svoboden in poln razvoj njegove osebnosti.

2. Pri uresničevanju pravic in svoboščin za vsakogar veljajo samo omejitve, ki so določene z zakonom in katerih izključni namen je zagotoviti ustrezno priznanje in spoštovanje pravic in svoboščin drugih ter zadostiti upravičenim zahtevam morale, javnega reda in splošne blaginje v demokratični družbi.

3. Teh pravic in svoboščin se v nobenem primeru ne sme uresničevati v nasprotju s cilji in načeli Organizacije združenih narodov.

30. člen

Ničesar v tej deklaraciji ni mogoče razlagati v smislu, da katerikoli državi, skupini ali posamezniku daje pravico, da izvaja katerokoli dejavnost ali stori katerokoli dejanje, usmerjeno k uničenju katerekoli od tukaj določenih pravic in svoboščin.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

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

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

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

Article 30

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

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