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Transnational Politics, International Relations Theory, and Human Rights*

A new model of international politics is needed to explain the politics of human rights.

The rise of human rights as an international issue in the later half of the 20th century presents a puzzle for students of comparative politics and international relations. Many of our dominant theories—realism, rational choice, and economic interest group theories—have trouble accounting for the rise of human rights politics except to dismiss them as marginal, insignificant, or an ideological cover beneath which economic groups or hegemonic countries pursue their interests. But as the other essays here and the daily newspapers make abundantly clear, human rights issues are not marginal, and increasingly detailed policy and institutional mechanisms exist to ensure the implementation of international human rights standards. In some cases, these policies can have a direct impact on human rights practices, and have contributed to reduced repression and regime changes (see Sikkink 1993; Risse, Ropp, and Sikkink forthcoming).

by
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As David Forsythe cogently argues in this symposium, political scientists should be able to greatly facilitate the understanding of human rights in international perspective,

and yet the discipline has, for the most part, ignored or marginalized human rights as a research topic. One reason may be that the dominant theories in the discipline do not give us the tools to understand the emergence of human rights as a crucial international issue area, nor the impact human rights ideas and policies can have upon state practices.

The emergence of human rights politics pushes us to explain why such policies emerge, and why these policies sometimes lead to significant domestic changes. Virtually any explanation of the rise of human rights must take into account the political power of norms and ideas and the increasingly transnational way in which those ideas are carried and diffused. In order to understand how human rights policies can lead to domestic change, in addition, we need to understand how those ideas get translated into political and economic pressures brought to bear on repressive countries and

how such pressures contribute to opening space for domestic opposition, and often to redemocratization.

Understanding these changes are particularly important because human rights are not just another one among the many issue areas in political science today. Because international human rights norms question state rule over society and national sovereignty, human rights issues offer particularly potent challenges to the central logic of a system of sovereign states, as Hedley Bull recognized in his classic work, *The Anarchical Society*:

Carried to its logical extreme, the doctrine of human rights and duties under international law is subversive of the whole principle that mankind should be organised as a society of sovereign states. For, if the rights of each man can be asserted on the world political stage over and against the claims of his state, and his duties proclaimed irrespective of his position as a servant or a citizen of that state, then the position of the state as a body sovereign over its citizens, and entitled to command their obedience, has been subject to challenge, and the structure of the society of sovereign states has been placed in jeopardy. The way is left open for the subversion of the society of sovereign states on behalf of the alternative organizing principle of a cosmopolitan community. (1977, 146)

I argue that at the end of the twentieth century, in a limited and imperfect sense, this scenario is now playing itself out. The new model is more similar to what Bull called “neo-medievalism,” where non-state actors begin to undermine state sovereignty and a new system with “overlapping authority and multiple loyalty” emerges. Bull challenged researchers to document empirically the extent and nature of changes and to specify what kind of alternative vision of international politics might modify or supplant the centrality of interactions among sovereign states. International relations scholars and legal scholars, such as the other authors of the articles collected here, have made significant strides towards responding to these challenges, but much work still remains to be done (see Donnelly 1989; Forsythe 1991, 1983).

To understand the changes in the role of



Means of transportation: Handicap International Clinic, Battambang, Cambodia.

international human rights in international politics we must further develop our theories of the influences of norms and ideas on international politics. Normative and ideational concerns have always informed the study of international

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politics (Finnemore and Sikkink forthcoming). The dominance of realist and neo-realist models, however, partially displaced these normative and ideational concerns until the regimes scholarship of the early 1980s opened the way for the more extensive work on ideas, norms, and social construction processes in international relations scholarship in the late 1980s and the 1990s (see Krasner 1983; Kratochwil and Ruggie 1986; Wendt 1987; Goldstein and Keohane 1993; Katzenstein 1996; Finnemore 1996). These studies, however, do not yet add up to a more unified theory of norms and ideas in international relations. It is necessary to continue to build on previous research to generate more general propositions about the origins and effectiveness of norms.

Human rights presents a particularly promising case for exploring and extending a theory of norms in international relations. Research on human rights issues provides some insights into answers to the questions posed above. Political scientists are arriving at a consensus definition of norms as standards of appropriate behavior for actors with a given identity (Katzenstein 1996). How norms influence behavior may be understood as a two-stage process, involving a stage of “norm emergence” and a second stage of broad norm acceptance that legal theorist Cass Sunstein has called a “norm cascade.” These two stages are divided by a threshold, or “tipping” point, at which a critical mass of relevant state actors adopt the norm (Sunstein 1997; Finnemore and Sikkink forthcoming). I would argue that many of the international human rights norms in the Universal Declaration have progressed through the period of norm emergence and that, since the late 1970s, we have been participating in an international human rights “norms cascade.” Support for this claim can be found not only in the number of states that have ratified international human rights treaties, but also the degree to which states have incorporated international human rights into their foreign policies and domestic law.

Most will note that we are simultaneously in a period when human rights norms are increasingly important and human rights are increasingly imperilled globally. The prominence of major episodes of human rights violations, however, such as those in the former Yugoslavia and in

Rwanda, should not detract from significant improvements in human rights in other regions — especially in Latin America and Eastern Europe. Indeed, the degree to which we are aware of human rights violations, and increasingly critical of the inadequate response of governments to these violations, is in part an indicator of the influence of human rights norms on expectations on foreign policy.

How do norms emerge in the first place? Some theorists have argued that international norms emerge when they are embraced and espoused by the hegemon (Krasner 1995; Ikenberry and Kupchan 1990). Krasner, for example, argues that “the content of human rights issues that were at the forefront in various historical periods reflected the concerns of those states which possessed a preponderance of economic and military power” (1995, 166). But these theorists don’t provide a convincing explanation for why hegemonic states begin to pursue human rights policy. Realism cannot provide an explanation for the origins of the social purpose of hegemonic action on human rights (Ruggie 1983). Why did the British decide to use their naval power to end the slave trade, and eventually to end slavery? Why did the United States adopt a human rights policy? In the 1960s and 1970s, it was commonly assumed that U.S. economic and political interests required it to support anti-communist authoritarian regimes around the world. Why, in the mid-1970s, well before the end of the Cold War, did the United States change its perceptions of its interests and begin to initiate a human rights policy?

Norms research suggests that the origins of many international norms lie not in preexisting state interests but in strongly held principled ideas (ideas about right and wrong) and the desire to convert others to those ideas. Nadelmann (1990) has called this dimension “moral proselytizing” and the individuals who carry it out “transnational moral entrepreneurs.” The emergence of this kind of moral proselytizing most often involves promoting norms governing the way states treat individuals, or how individuals treat each other. Research on the origins of international human rights norms reveals a key role played by individuals.

The Genocide Convention owed a singular debt to the work of Polish lawyer Raphael Lemkin, who coined the term “genocide” in 1944, helped promote the use of the term, and assisted in drafting and securing the passage of the anti-genocide treaty. Three jurists played a key role in originating norms for the international protection of human rights. Chilean Alejandro Alvarez, Russian Andre Mandelstam, and Greek Antoine Frangulis first drafted and publicized declarations on international rights of man in the inter-War period. The idea of human rights was almost single-handedly reinserted into the war-time debate over war aims by British author Herbert George Wells (Burgers 1992). Although nongovernmental actors have played a particularly important role in the origins of human rights norms, it is often the collaboration among norms entrepreneurs inside of governments, those within international organizations,

and nongovernmental actors that leads to the emergence of human rights norms. The human rights language in the United Nations Charter and the text of the Universal Declaration for Human Rights are the result of the combined efforts of individuals associated with governments (like Eleanor and Franklin Roosevelt and Rene Cassin) NGO staffers, and private individuals. The Convention against Torture was crafted by government officials in consultation with Amnesty International in the aftermath of increased global awareness about torture created by Amnesty's Campaign Against Torture in 1973 (Burgers and Danelius 1988).

It is not enough for individuals to develop norms, they must promote them globally through intense campaigns. In many cases of emergent international norms, transnational coalitions (Risse-Kappen 1994) or networks of individuals in nongovernmental organizations conduct substantial transnational campaigns to persuade others of the importance and value of the new norms. This is the case with the anti-apartheid campaign (Klotz 1995), the anti-slavery campaign, the campaign for women's suffrage, campaigns for international human rights and the elimination of violence against women (Keck and Sikkink 1998), and recent campaigns against the use of landmines (Price 1998). Kowert and Legro (1996) refer to this process as "social diffusion," but that is all too passive a category for the very active work of norm advocacy carried out by networks. Norms (like ideas) don't float freely (Risse-Kappen 1994), nor are new collective understandings expected to seep across networks like inkblots (Kowert and Legro 1996). Networks are necessary but not sufficient conditions; not all international campaigns lead to the adoption of norms; there are numerous examples of extensive campaigns that failed.

These networks of nongovernmental organizations eventually need to secure the support of powerful state actors who endorse the norms and make normative socialization a part of their agenda. The process through which these early normative entrepreneurs bring the normative concerns to the attention of policymakers in powerful states is one of almost pure persuasion. These groups and individuals are generally not strong in any classic sense of the term, nor are they able to "coerce" agreement to a norm. They must persuade relying only upon the strength of their normative argument and the power of facts to support and dramatize their argument. Networks and moral entrepreneurs work to redefine an activity as wrong, often through the power of their language, information, and symbolic activity. But the emergence of human rights policy is not a simple victory of ideas over interests. Instead, it demonstrates the power of ideas to reshape understandings of national interest. The recent adoption of human rights policies did not represent the neglect of national interests but rather a fundamental shift in the perception of long-term national interests. Human rights policies emerged because policymakers began to question the principled idea that the internal human rights practices of a country are not a legitimate topic of foreign policy and the causal assumption that national interests are furthered by supporting repressive regimes that violate the human rights of their citizens. In order to understand the sources of this change in perception of interests, we need to

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look at the normative entrepreneurs both inside and outside of the state who began to push for changes in state policies.

Once norms have emerged, we still need an explanation for why particular norms become influential. We know that not all norms are equal, but we do not yet have clear theories that could explain why some norms "cascade" and other do not. In the case of human rights, how can we explain why they became "the single most magnetic political idea of the contemporary time," as Forsythe quotes Brzezinski saying.

There are a series of hypotheses in the literature about the conditions under which norms will be influential. The hegemonic socialization approach suggests that in order to explain which

norms will be influential, we examine which norms are most forcefully espoused by hegemonic actors (Ikenberry and Kupchan 1990). This explanation, however, fails to account for how normative change occurs within the hegemon. Nor is it the case that all major human rights victories were the result of hegemonic pressures. There are crucial episodes of human rights changes, such as women's suffrage, or the global campaign against apartheid, where hegemons were followers, not leaders (Klotz 1995; Ramirez et al. 1997).

Another explanation for the spread of norms is that norms entrenched at the domestic level (not just in the hegemon but in a wide range of states) are projected internationally. Lumsdaine (1993) provides extensive documentation for the argument that norms about foreign aid have their roots in domestic antipoverty norms and are in many ways an international projection of the welfare state. While international human rights norms clearly resulted from the internationalization of domestic human rights norms, this explanation cannot explain why the internationalization of norms may follow the domestic normative process by centuries (in the sense that the Universal Declaration of Human Rights in 1948 extended to the international arena rights granted to French citizens in the French Declaration of the Rights of Man and the Citizen in 1789) while in other cases the internationalization follows much more directly. There is some evidence, however, of increasing simultaneity of domestic and international normative processes. For example, domestic and global campaigns for the elimination of do-

mestic battery and violence against women are evolving together in many cases, with international normative developments used to spur domestic change and vice versa. This raises the issue of which domestic norms can be successfully internationalized. Many domestic norms do not lend themselves to easy internationalization, while others seems easier to project onto an international arena.

Forsythe (1993) discusses international legitimation as one part of an explanation of the increased importance of international human rights norms, and yet he recognizes that states have multiple sources of legitimacy. Why would states care about international legitimacy, and why and how have human rights increasingly become a yardstick of such legitimacy?

I believe there is something in the intrinsic quality of the human rights norms that gives them their force and influence. Human rights norms have a special status because they prescribe rules for appropriate behavior and they help define identities of liberal states. Human rights then become part of the yardstick used to define who is in and who is outside of the club of liberal states. Work by sociology's institutionalists suggests that Western cultural norms congruent with capitalism and liberalism will be particularly powerful (Thomas et al. 1987; also see Finnemore 1996). But there are many Western norms (some of them conflicting) that are congruent with liberalism and capitalism, but only a subset of such norms have powerful transnational effects. Boli and Thomas (forthcoming) have refined this somewhat and argue that five principles are central to world culture: universalism, individualism, voluntaristic authority, rational progress, and world citizenship. Margaret Keck and I (1998) have advanced more specific claims. We argue that two broad categories of norms are particularly effective transnationally and cross-culturally: those involving bodily integrity and prevention of bodily harm for vulnerable or "innocent" groups, especially when there is a short causal chain between cause and effect; and norms for legal equality of opportunity. Norms entrepreneurs must speak to aspects of belief systems or life worlds that transcend a specific cultural or political context. Although notions of bodily harm are culturally interpreted, they also resonate with basic ideas of human dignity common to most cultures. If one basic motivation for espousing norms is empathy, then we would expect transcultural norms to be based on a basic human denominator that would provoke empathy. But issues involving bodily harm don't develop into international norms cascades in and of themselves. Bringing these issues to the fore requires the efforts of international norm entrepreneurs capable of drawing them to the attention of policymakers and the public. For example, transnational norms entrepreneurs, organized in advocacy networks, have successfully used graphic images of bodily harm as a means of mobilizing transnational campaigns against human rights violations

in particular countries. What this argument about the intrinsic power of the issue suggests is that not all human rights norms are equal, and that we would expect some human rights norms to gain wide international acceptance more rapidly than others.

In summary, international relations theorists hoping to understand the politics of human rights will need a different model of international politics; one that sees the international system as an international society made up not only of states, but also of non-state actors that may have transnational identities and overlapping loyalties. While states continue to be the primary actors in this system, their actions need to be understood not as self-help behavior in anarchy, but as the actions of members of an international society of states and non-state actors. In such a society, states may make changes in their behavior not only because of the economic costs of sanctions, but because leaders of countries care about what leaders of other countries think of them. As James Fearon (1997) discussed, people sometimes follow norms because they want others to think well of them, and because they want to think well of themselves. People's ability to think well of themselves is influenced by norms held by a relevant community of actors. International law scholars have long recognized this inter-subjective nature of norms by referring to international law as relevant within a community of "civilized nations." Today, the idea of "civilized" nations has gone out of style, but international law and international organizations are still the primary vehicles for stating community norms and for conferring collective legitimation. Some legal scholars now discuss a community of "liberal states," seen as a sphere of peace, democracy, and human rights, and distinguish between relations among liberal states and those among liberal and nonliberal states (Slaughter 1995). Human rights norms have constitutive effects because good human rights performance is one crucial signal to others to identify a member of the community of liberal states. Political scientists need to be especially attentive to the politics of human rights not only because of their potential for promoting human dignity, but also because human rights issues are particularly useful cases for generating and exploring alternative models of international politics (Risse, Ropp, and Sikkink forthcoming).

Notes

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Universal Declaration of Human Rights

Editor's Note: On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act, the Assembly called upon all member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

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,

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

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.

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.

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.

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.

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.

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.

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 of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this

will shall be expressed 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) 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.

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.

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.