

The American Declaration of the Rights and Duties of Man

Canada is a member of the OAS and is subject to respect the rights and undertake the duties therein the Declaration of the Rights and Duties of Man.

Adoption: The Declaration **was** adopted by the Ninth International Conference of American States on 2 May 1948 in Bogota, Colombia.

Entry into force: The American Declaration was not meant to be binding on states, therefore it did not enter into force.

Number of signatories and ratifications/accessions: The signatories are considered the 21 states that were present in the creation of the OAS and all member states that have joined since. Canada joined in 1990 and currently all 35 members of the Americas have ratified the OAS.

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[Summary Information, the American Declaration of the Rights and Duties of Man](#)

The American Declaration of the Rights and Duties of Man (American Declaration) is a non-binding declaration on the fundamental human rights to an individual. It outlines the economic, social and cultural rights, as well as equality under the law. The American Declaration has a preamble and two chapters. The focus is on the principle of human equality in dignity. Human rights and the duties of man are complementary, and spiritual and cultural development is the fundamental objective of human beings.

The American Declaration was adopted at the Ninth International Conference of American States on 2 May 1948 in Bogota, Colombia which was also when the Organization of American States (OAS) was created. While it is not legally binding, it is considered precedent to the more elaborate treaty American Convention of Human Rights which was created in 1960. These two instruments are considered to have established the Inter-American System for Human Rights.

[History of the American Declaration of the Rights and Duties of Man](#)

The American Declaration is considered the formal beginning of the Inter-American system for the protection and promotion of fundamental rights. It was adopted at the Ninth International Conference of American States in Bogota, Colombia, 1948. During this conference, the OAS was also created.

The Second World War prompted American states to address the problems of war, its devastation and to prepare for peace. In 1945, at the inter-American Conference on

Problems of War and Peace, two important resolutions were adopted and set the stage for the promotion and protection of human rights in the inter-American system. These resolutions were free access to information and international protection of the essential rights of man. The latter resolution was considered an effort to secure an international system for the protection of the rights of man and urged the Inter-American Juridical Committee to begin to draft a declaration that could be adopted by American states, the American Declaration. It is considered the first international instrument of its type as it preceded the United Nations' Universal Declaration of Human Rights by a few months.

When the American Declaration was created, it was not meant to be legally binding to the participating states. Rather it was considered an effort to integrate modern human rights perspectives into the region without losing OAS members. The signatories agreed to comply with principles that embodied the democratic ideals of the human rights agenda. As human rights violations and repression of fundamental liberties grew in Latin America, the OAS found that the moral obligation of the American Declaration was not enough to protect human rights. Thus beginning in 1959, Foreign Ministers embarked on drafting a binding convention on human rights with monitoring and implementation instruments. After many years, the American Convention on Human Rights was adopted and reinforced and expanded the scope of many of the principles described in the American Declaration. The Convention entered into force July 19, 1978.

Key Provisions of the American Declaration on the Rights and Duties of Man

The American Declaration states that rights are a prerequisite for all and exalt individual liberty, while duties express the dignity of that liberty. Thus, American states realize that they are neither creating nor granting rights, but rather recognizing rights that exist in the very nature of the human person.

Chapter one of the American Declaration outlines rights that are afforded to all humans. They are as follows:

- Article I: Right to life, liberty and personal security.
- Article II: Right to equality before law.
- Article III: Right to religious freedom and worship.
- Article IV: Right to freedom of investigation, personal reputation, and private and family life.
- Article V: Right to protection of honor, personal reputation, and private and family life.
- Article VI: Right to a family and to protection thereof.
- Article VII: Right to protection for mothers and children.
- Article VIII: Right to residence and movement.
- Article IX: Right to inviolability of the home.
- Article X: Right to inviolability and transmission of correspondence.
- Article XI: Right to the preservation of health and to well-being.
- Article XII: Right to education.
- Article XIII: Right to the benefits of culture.
- Article XIV: Right to work and to fair remuneration.

- Article XV: Right to leisure time and to the use thereof.
- Article XVI: Right to social security.
- Article XVII: Right to recognition of juridical personality and civil rights.
- Article XVIII: Right to a fair trial.
- Article XX: Right to vote and to participate in government
- Article XXI: Right of assembly.
- Article XXII: Right of association.
- Article XXIII: Right to property.
- Article XXIV: Right of petition.
- Article XXV: Right of protection from arbitrary arrest.
- Article XXVI: Right to due process of law.
- Article XXVII: Right of asylum.
- Article XXVIII: Scope of the rights of man.

The second chapter outlines the duties of all human beings. They are as follows:

- Article XXIX: Duties to society.
- Article XXX: Duties toward children and parents.
- Article XXXI: Duty to receive instruction.
- Article XXXII: Duty to vote.
- Article XXXIII: Duty to obey the law.
- Article XXXIV: Duty to serve the community and the nation.
- Article XXXV: Duties with respect social security and welfare.
- Article XXXVI: Duty to pay taxes.
- Article XXXVII: Duty to work.
- Article XXXVIII: Duty to refrain from political activities in a foreign country.

Canada's Commitments and Responsibilities under the American Declaration of the Rights and Duties of Man

According to the Inter-American Commission on Human Rights, member states of the OAS are subject to the American Declaration. The Inter-American Commission on Human Rights supervises the articles identified in the statute of the OAS and subsequently the American Declaration. Canada has not ratified the American Convention on Human Rights which is based on the American Declaration. However, as a member of the OAS, Canada may still be subject to international review and is expected to respect the rights and undertake the duties therein the Declaration.

International Monitoring and Implementation

Presently, the Inter-American Court and the Inter-American Commission on Human Right consider the American Declaration as obligatory for OAS member states although it is not a legally binding treaty. Article 106 and 145 of the OAS charter gives the inter-American Commission on Human Rights competence in monitoring member states' conduct regarding human rights, thus the declaration has binding force over all member states. In 1969, the American Convention on Human Rights was adopted and entered into force in 1978. The American Convention on Human Rights created the Inter-

American Court of Human Rights as the jurisdictional body to supervise States' compliance with the the convention. To date, 25 countries have ratified the American Convention on Human Rights, Antigua and Barbuda, Bahamas, Belize, Canada, Cuba, Guyana, St Kitts and Nevis, St Vincent and the Grenadines and the United States have not ratified the convention.

Over time, some of the rights outlined in the American Declaration achieved normative status as they are either customary international law or provisions of the OAS charter. Currently, the inter-American Court oversees the provisions of the American Declaration through the evolution of the inter-American system and its instruments.