

Universal Declaration of Human Rights

世界人權宣言

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

1948年12月10日大會第217 A (III) 號決議通過並頒佈

蔡百銓 試譯

(作者為文山社區大學「印度史」講師)

陳水扁總統標榜「人權立國」，「人權立國」顯然必須以人權教育為基礎。1948年聯合國宣布「世界人權宣言」，這是人權發展史上的最重要文獻，也可說是一切人權教學的最基本教材。令人遺憾，宣言的漢文版語法不漢不西，令人難以卒讀，試問人權教學如何推廣？從2004年9月到2005年5月間，我在建國電台主持《國際人權》節目，每當介紹或引述這份宣言時，經常力不從心，因而痛定思痛，自行根據英文版翻譯為漢文。這種紮根工作攸關國內人權教學成敗，卻幾乎無人關心！茲把拙譯披露於下，與現行漢文版逐條對照，敬祈不吝來信 (paichuan@tw1.com.tw) 賜教。引用拙譯時，敬請註明。我同時計畫來日重新翻譯整理，寄給聯合國相關機構參考。

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.

1948年12月10日聯合國大會通過並宣布《世界人權宣言》，其全文如下。

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."

繼這項歷史性行為之後，大會要求全體會員國公佈這份宣言正文，並且「使之傳播與展示、閱讀、闡述，以學校與其他教育機構為主，不論其國家或領土政治地位為何」。

PREAMBLE

序言

- 1) 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,
- 2) 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,
- 3) 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,
- 4) Whereas it is essential to promote the development of friendly relations between nations,

- 1) 鑒於承認人類家庭所有成員的固有尊嚴與平等、不可割離的權利，乃是世界自由與正義、和平的基礎；
- 2) 鑒於罔顧和蔑視人權已經產生激怒人類良知的野蠻行為，而且普通人民已經表明其最崇高期望乃是人類享有言論與信仰、免於恐懼與匱乏的自由的自由的世界之來臨；
- 3) 鑒於人類如果不想被迫孤注一擲而反叛暴政與壓迫，就應該以法治保護人權；
- 4) 鑒於各國之間必須促進友好關係之發展；

- 5) 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,
- 6) 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,
- 7) Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,
- 8) 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.

5) 鑒於聯合國各民族已在憲章裡重申他們對於基本人權與人格尊嚴、價值、男女權利平等的信心，並且決心在更大自由裡促進社會進步與提高生活水平；

6) 鑒於各會員國已經發誓願與聯合國合作，促進普遍尊重和遵守人權與基本自由；

7) 鑒於普遍了解這些權利和自由，對於充分實現這個誓願是最重要的；

8) 因此，大會現在宣布這篇《世界人權宣言》，做為所有民族與國家的共同成就標準；為此目的，每個個人與社會機構應該經常銘記本宣言，努力透過教誨和教育，促進尊重這些權利和自由，並且透過國內與國際的進步措施，使之在各會員國民族本身與其轄下領土民族之間，獲致普遍與有效的承認與遵行。

第 1 條

人人生而自由，尊嚴和權利平等。他們賦有理性和良知，應以弟兄之情互相對待。

第 2 條

人人都有資格享有本宣言記載的一切權利與自由，不作任何種類之區別，例如種族、膚色、性別、語言、宗教、政治或其他見解、國籍或社會出身、財產、出生或其他身分。

不只如此，也不得基於其所屬國家或領土的政治或者司法管轄、國際地位而有區別，不論它是獨立或是托管、非自治、主權受到其他任何限制的。

第 3 條

人人有權享有生命與自由、人身安全。

第 4 條

人人都不應該受到奴隸或奴役；一切形式的奴隸制度與買賣都應該禁止。

第 5 條

人人都不應該受到酷刑或是殘忍、不人道、侮辱性的待遇或懲罰。

第 6 條

人人在任何地方，在法律之前都有權被承認為人。

第 7 條

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.

人人在法律之前平等，有權享有法律平等保護，不受任何歧視。人人有權享有平等保護，不受任何違反本宣言的歧視與這種歧視的任何煽動。

第 8 條

當憲法或法律賦予的基本權利遭到侵害時，人人有權享有勝任的國家法庭之有效補救。

第 9 條

人人都不應該受到任意逮捕或拘禁、放逐。

第 10 條

人人在確定他的權利與義務以及「面臨」針對他的任何刑事指控時，都有資格充分平等地獲得獨立不偏私的法庭的公正公開審訊。

第 11 條

(1) 人人在受到犯罪指控時，在公開審訊根據法律判決有罪之前，有權被視為無罪；他享有在這種公開審訊裡為自己辯護的所有必要保證。

(2) 任何人的任何行為或不行為，當其發生時依據國內法或國際法均未構成犯罪者，不得判處有罪。其刑罰也不得重於犯罪時適用的法律之規定。

第 12 條

人人的隱私與家庭、住宅、通信不得任意干涉，其榮譽和名譽也不得受到攻擊。人人有權享受法律保護，不受這種干涉或攻擊。

第 13 條

(1) 人人在其國境內，有權自由遷徙和居住。

(2) 人人有權離開任何國家 (包括其本國在內) 與返回其國家。

第 14 條

(1) 人人有權在其他國家尋求與享受免於迫害的庇護。

(2) 在真正由於非政治罪行或是違反聯合國宗旨與原則之行為而被起訴的案件，這種權利不得援用。

第 15 條

(1) 人人有權擁有國籍。

(2) 國籍不得任意剝奪，改變國籍的權利也不得否定。

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.

第 16 條

- (1) 成年男女有權婚嫁與成立家庭，不受種族或國籍、宗教限制。在結婚與婚姻期間、離婚時，他們享有平等權利。
- (2) 唯有有意結婚者自由與充分同意，婚姻才能成立。
- (3) 家庭是社會的自然與基本的團體單元，應該受到社會與國家保護。

第 17 條

- (1) 人人有權單獨擁有以及與人共有財產。
- (2) 財產不得任意剝奪。

第 18 條

人人享有思想與良知、宗教自由的權利；這種權利包括單獨或與別人集體改變宗教或信仰、以及公開或私下以教學與實踐、信仰、遵守來彰顯其宗教或信仰的自由。

第 19 條

人人有權享有意見與表達的自由；這種權利包括意見不受干涉、以及透過任何媒體並且不受國界限制而尋求與接受、傳播訊息與觀念的自由。

第 20 條

- (1) 人人有權享有和平集會與結社的自由。
- (2) 人人不得被迫隸屬某個社團。

第 21 條

- (1) 人人有權直接或是透過自由選出的代表，參與本國政府。
- (2) 人人有權平等從事本國公共服務。
- (3) 政府權威應以人民意志為基礎；這種意志應以定期與真正的選舉來表達，選舉應該依據普遍與平等的參政權，也應該以秘密投票或以平等的自由投票程序進行。

第 22 條

人人身為社會成員，有權享有社會安全，也有資格透過國家努力與國際合作實現其經濟與社會、文化權利，這些權利是其尊嚴與其人格自由發展不可或缺的。

第 23 條

(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) 人人有權工作、自由選擇職業、「追求」公正與有利的工作條件、免於失業保障。

(2) 人人有權享有同工同酬，不受任何歧視。

(3) 工作者有權享有公正和有利的報酬，確保他本人和家屬享有符合人類尊嚴的存在，必要時輔以其他社會保障方式。

(4) 人人有權為維護其利益而組織與參加工會。

第 24 條

人人有權享有休息和閒暇，包括工時應有合理限制與定期有給假日。

第 25 條

(1) 人人有權享有維持他本人和家屬的健康和福利需要的生活水準，包括食物與衣著、住宅、醫療、必要社會服務；在遭到失業、疾病、殘廢、守寡、衰老或在其他超乎其控制情況下喪失謀生能力時，有權享受保障。

(2) 母親與兒童都有資格享有特別照顧與協助。所有兒童不論婚生或非婚生，應該享有相同的社會保護。

第 26 條

(1) 人人有權接受教育。教育應該免費，至少在初級與基本階段。初級教育應該屬於義務性質。技術和職業教育應該普遍設立。高等教育應該根據成績而對全體人士平等開放。

(2) 教育宗旨在於充分發展人格，以及加強尊重人權與基本自由。教育應該促進各國家或各種族、各宗教集團之間的了解與容忍、友誼，也應該促進聯合國維護和平的活動。

(3) 父母對於子女應受何種教育，享有優先選擇權。

第 27 條

(1) 人人有權自由參加社群文化生活與欣賞藝術、分享科學進步與其利益。

(2) 人人對於其創造的任何科學或文學、美術作品產生的精神和物質利益，享有受保護權。

第 28 條

人人都有資格要求一種能夠充分實現本宣言所載權利與自由的社會與國際秩序。

第 29 條

(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.

(1) 人人都對社群負有責任，其人格唯有在社群中才能獲得自由與充分發展。

(2) 人人在行使權利和自由時，只受到法律規定的限制，其唯一目的在於確保適當承認與尊重別人的權利和自由，以及符合民主社會對於道德與公共秩序、一般福利的公正要求。

(3) 這些權利和自由的行使，不論任何情況，都不得違背聯合國宗旨與原則。

第 30 條

本宣言內文的銓釋，不得暗示任何國家或團體、個人有權從事任何旨在破壞內文所載任何權利與自由的活動或行爲。