

PROCLAMATION OF TEHERAN

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At the conclusion of the first International Conference on Human Rights, held in Teheran from 22 April to 13 May 1968 at the invitation of the United Nations General Assembly (resolution 2081 (XX) of 20 December 1965), the representatives of the 120 participating States adopted the Proclamation of Teheran by consensus. It was annexed to the Final Act of the Conference (A/CONF.32/41) and endorsed that same year by the General Assembly in its resolution 2442 (XXIII) of 19 December 1968. The Proclamation assessed progress achieved since the adoption of the Universal Declaration of Human Rights on 10 December 1948 and set forth a plan of action for the future.

The assertion, at the beginning of the Proclamation, that the Universal Declaration of Human Rights “constitutes an obligation for the members of the international community” (para. 2) did little to settle the dispute over the Declaration’s legal standing. Certainly, the statement bolstered the position of those who, at the time, wanted the Declaration to be treated as an authentic interpretation of the human rights provisions of the Charter of the United Nations. It appears that the drafters of the Proclamation were aware of the position taken in that regard a few months earlier in the Montreal Statement of the Assembly for Human Rights, which was adopted on 27 March 1968 by a group of experts gathered in Montreal at the initiative of Louis Bruno Sohn. The Proclamation took the same approach to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960), asserting that States should “conform” to it (para. 3).

While recognizing that since the adoption of the Declaration, substantial progress had been made in defining standards for the enjoyment and protection of human rights, the Proclamation recognized that much remained to be done to ensure the genuine exercise of those rights. Two key areas were the eradication of apartheid and decolonization (paras. 7 and 9). The Proclamation appeared to assign greater importance to combating apartheid, which it described as a crime against humanity, echoing the position taken two years earlier by the General Assembly in its resolution 2202 A (XXI) of 16 December 1966. It went on to state that “the struggle against apartheid is recognized as legitimate” (para. 7). The exact meaning of this statement is unclear. Short of interpreting it as justifying a potential recourse to armed force, it can only be regarded as an expression of support for the various activities conducted by United Nations organs in the context of the struggle against apartheid.

However, when it came to the ongoing struggle to put an end to the colonial powers’ policies that prevented indigenous peoples from exercising their right to self-determination, the Proclamation lagged strangely behind the positions taken by the General Assembly. It chose not to reiterate the Assembly’s characterization of the violation of the economic and political rights of colonial peoples as a crime against humanity (resolution 2184 (XXI) of 12 December 1966). Similarly, while the Assembly had recognized “the legitimacy of the struggle by peoples under colonial rule” (resolution 2105 (XX) of 20 December 1965), the Proclamation made no mention of that issue.

Economic underdevelopment was cited, along with discrimination on the basis of race, religion or belief, as an impediment to the full realization of human rights (paras. 11

and 12). The question of the economic basis of human rights was a matter of some concern at the Teheran conference. A study devoted to the subject (A/CONF.32/2) was the basis for the adoption by that Conference of resolution XVII, entitled “Economic Development and Human Rights”. The main idea behind this resolution, that human rights are indivisible and that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible, is echoed in the Proclamation (para. 13). The idea of the indivisibility of human rights remains controversial along lines that reflect the North-South ideological divide, with the emphasis placed by the poorest States on the right to economic development viewed by opponents as an obstacle to progress in the field of human rights.

The future plan of action envisaged in the Proclamation emphasized protection of the most vulnerable, in particular illiterate persons and women. The Proclamation pronounced the existence of over 700 million illiterates an “enormous obstacle” to all efforts at realizing the aims and purposes of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights and called for urgent international action aimed at eradicating the scourge of illiteracy (para. 14). To this day, the international community has not put forward an adequate response to this problem.

The Proclamation devoted two paragraphs to women’s rights. One maintains that an inferior status for women is contrary to the Charter of the United Nations and the Universal Declaration of Human Rights (para. 15). In what was unquestionably a first, the Proclamation also recognized the basic right of parents “to determine freely and responsibly the number and the spacing of their children” (para. 16), implicitly recognizing the right of women to terminate a pregnancy that is at the root of national family planning policies.

Lastly, the Proclamation of Teheran heralded the emergence of third-generation human rights, later called “solidarity rights”. Specifically, it mentions the right to peace, noting that aggression and armed conflict produce massive denials of human rights and that it is the obligation of the international community to cooperate in eradicating such scourges (para. 10). It is in this context that we must place the Proclamation’s assertion that scientific and technological progress may endanger the rights and freedoms of individuals (para. 18). The experience of the two world wars had shown that scientific discoveries had helped develop weapons of enormous destructive capacity. Thus, the Proclamation stated that “general and complete disarmament is one of the highest aspirations of all peoples” and that human and material resources devoted to military purposes should be used for the promotion of human rights and fundamental freedoms (para. 19).

Despite its many innovations, the Proclamation of Teheran aroused little interest within the United Nations system. The General Assembly has never made reference to it except in its resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid. Of the human rights monitoring bodies, it appears that only the Sub-Commission on Prevention of Discrimination and Protection of Minorities has ever mentioned it, citing the Proclamation in its condemnation of Pakistan’s 28 April 1984 Ordinance declaring the practices of the Ahmadi community to be apostasy. The Sub-Commission deemed that Ordinance to be a flagrant violation of the right to freedom of conscience and religion (Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1985/21 of 29 August 1985 (E/CN.4/1986/5)) recognized in the Proclamation of Teheran.

Related Materials

A. Documents

General Assembly resolution 1514 (XV) of 14 December 1960 (Declaration on the Granting of Independence to Colonial Countries and Peoples)

General Assembly resolution 2081 (XX) of 20 December 1965 (International Year of Human Rights)

General Assembly resolution 2105 (XX) of 20 December 1965 (Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples)

General Assembly resolution 2184 (XXI) of 12 December 1966 (Question of territories under Portuguese administration)

General Assembly resolution 2202 A (XXI) of 16 December 1966 (The policies of apartheid of the government of the republic of South Africa)

General Assembly resolution 2442 (XXIII) of 19 December 1968 (International Conference on Human Rights)

General Assembly resolution 33/165 of 20 December 1978 (Status of persons refusing Service in Military or Police forces used to enforce apartheid)

Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1985/21 of 29 August 1985 (The situation in Pakistan), reproduced in the Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session (E/CN.4/1986/5)

B. Doctrine

United Nations Action in the Field of Human Rights, New York, United Nations, 1974.

René Cassin, « Droits de l'homme et méthode comparative », *Revue de droit international comparé*, vol. 20, 1968, pp. 449-492.

Jo M. Pasqualucci, Louis Sohn: "Grandfather of International Human Rights Law in the United States", *Human Rights Quarterly*, vol. 20, 1998, pp. 924-944.