

# Declaration on the human rights of individuals who are not nationals of the country in which they live

# Unofficial translation

	ON CONTROL OF CO.	<u> </u>						
Adopted by the resolution 40/of the General Assembly 13 December 1985								
				Γhe	Gen	n e r a l	A s s	e m b l y
Conside	ring that th	ne Charter	of the Uni	ted Nation	ns encou	rages univ	ersal respo	ect for and
observance of the human rights and fundamental freedoms of all human beings, without								
distinction	as as	to	race,	sex,	lan	guage	or	religion
Conside	ering that t	he Univers	sal Declara	ition of H	uman R	ights proc	laims that	all human
beings are born free and equal in dignity and rights and that everyone is entitled to all the								
rights and fr	eedoms set	forth in th	at Declara	tion, with	out distir	nction of a	ny kind, sı	ach as race
colour, sex,	language,	religion, p	olitical or	other opin	nion, nat	ional or so	ocial origin	ı,property,
birth		o r		(	ther			status
Consid	lering that	the Unive	ersal Decla	ration of	Human	Rights pr	oclaims fu	arther that
everyone ha	s the right t	to recognit	ion everyw	here as a	person b	efore the l	aw, that al	l are equal
before the la	w and enti	tled withou	ıt any discı	rimination	to equal	l protection	n of the lav	w, and that
all are entitled to equal protection against any discrimination in violation of that Declaration								
and a	gainst	any	inciten	nent	to	such	discri	mination
Being	aware that	the States	parties to	the Inter	national	Covenant	ts on Hum	nan Rights
undertake to guarantee that the rights enunciated in these Covenants will be exercised without								
discrimination	on of any k	ind as to ra	ice, colour	, sex, lang	uage, re	ligion, pol	itical or ot	her opinior
, nationa	al or	social	origin,	proper	ty, b	irth o	other	status
Conscious that, with improving communications and the development of peaceful and								
friendly rela	tions amon	g countries	s, individua	als increas	ingly liv	e in count	ries of whi	ich they are
n o t							natio	n a 1 s
	firming th		-	-				
Recogni	zing that tl	ne protecti	on of huma	an rights a	and fund	amental fr	eedoms pr	ovided for
in international instruments should also be ensured for individuals who are not nationals of								
t h e	count	r y	i n	wl	nich	t l	n e y	live

## Article 1

Proclaims this Declaration:

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

#### Article 2

- 1. Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.
- 2. This Declaration shall not prejudice the enjoyment of the rights accorded by domestic law and of the rights which under international law a State is obliged to accord to aliens, even where this Declaration does not recognize such rights or recognizes them to a lesser extent.

### Article 3

Every State shall make public its national legislation or regulations affecting aliens.

#### Article 4

Aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

## Article 5

- 1. Aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, in particular the following r i g h t s :
- (a) The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law;
- (b) The right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence;
- (c) The right to be equal before the courts, tribunals and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;
  - (d) The right to choose a spouse, to marry, to found a family;
- (e) The right to freedom of thought, opinion, conscience and religion; the right to manifest their religion or beliefs, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and f r e e d o m s

  of

  others,
  - (f) The right to retain their own language, culture and tradition;

- (g) The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.
- 2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in this Declaration, following aliens shall rights: enjoy the (a) The right the to leave country; (b) The right freedom o f expression; to peaceful right (c) The to assembly;
- (d) The right to own property alone as well as in association with others, subject to d o m e s t i c l a w
- 3. Subject to the provisions referred to in paragraph 2, aliens lawfully in the territory of a State shall enjoy the right to liberty of movement and freedom to choose their residence within the borders of the State.
- 4. Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.

## Article 6

No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.

# Article 7

An alien lawfully in the territory of a State may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

## Article 8

- 1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations under article 4:
  - (a) The right to safe and healthy working conditions, to fair wages and equal remuneration

for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal w or k;

- (b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interests of national security or public order or for the protection of the rights and freedoms of o t h e r s ;
- (c) The right to health protection, medical care, social security, social services, education, rest and leisure, provided that they fulfil the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.
- 2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they are present, such rights may be specified by the Governments concerned in multilateral or bilateral conventions.

# Article 9

No alien shall be arbitrarily deprived of his or her lawfully acquired assets.

# Article 10

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he or she is a national or, in their absence, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he or she is a national in the State where he or she resides.

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