



**消除一切形式  
種族歧視國際公約**  
**International Convention  
on the Elimination of  
All Forms of  
Racial Discrimination**

## 前言

1

一九六五年十二月，聯合國通過了《消除一切形式種族歧視國際公約》。公約於一九六九年引進香港，至今繼續適用於香港特別行政區。

這本小冊子旨在以圖畫和淺白易懂的文字介紹公約的各項條文。小冊子的後半部更載有公約的原文，以供參考。

我們歡迎你就小冊子提出意見，並希望公約的精神能鼓勵讀者跟我們一同努力，消除種族歧視。

民政事務局

二〇〇〇年三月

---

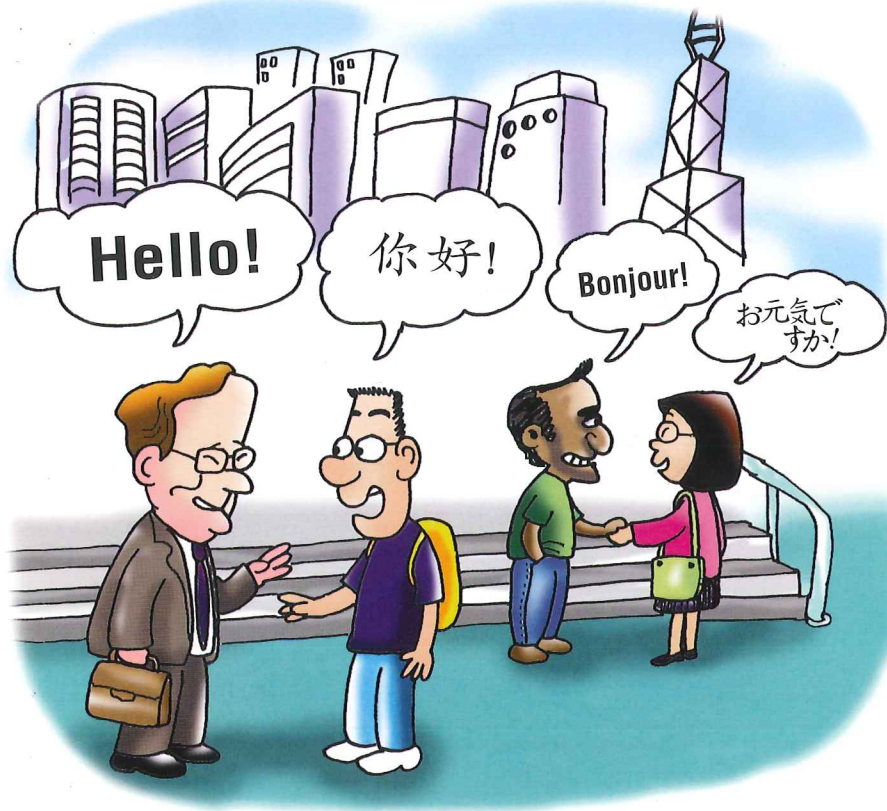
## Introduction

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted by the United Nations in December 1965. It was extended to Hong Kong in 1969 and continues to apply to the Hong Kong Special Administrative Region.

This booklet aims at introducing the articles of the Convention through illustrations and in language that is easy to understand. The original text of the Convention is reproduced in the second half of the booklet.

We will welcome any comments on this booklet and hope that - inspired by the spirit of the Convention - readers will share our determination to eliminate racial discrimination.

Home Affairs Bureau  
March 2000



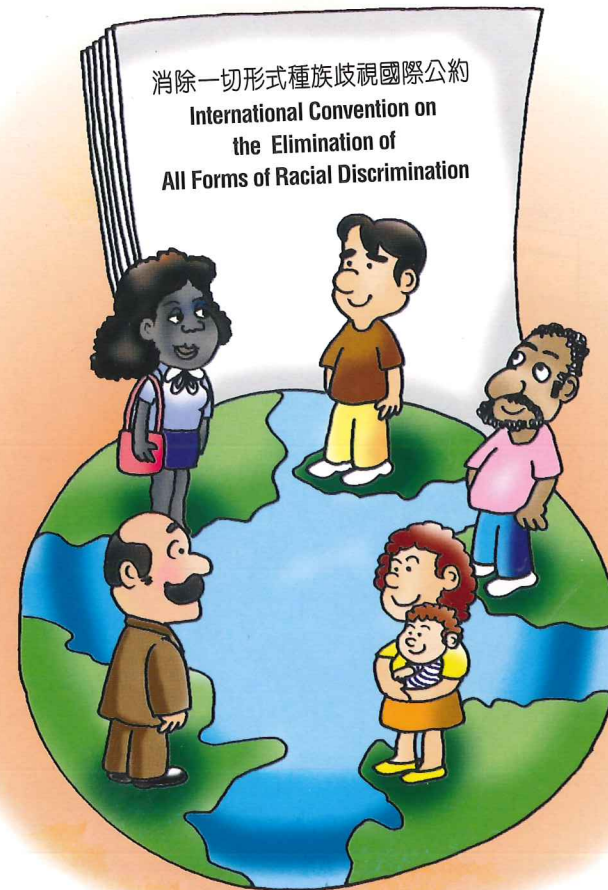
世界人權宣言宣告，人人皆生而平等，無分膚色或種族，都享有平等的尊嚴、權利和自由。 — 序言

The Universal Declaration of Human Rights proclaims that all human beings are born equal in dignity, rights and freedom, irrespective of their colour or race. - *Preamble*



任何種族優越的學說和種族歧視的理論，在科學上均屬錯誤，在道德上均應予以譴責。 — 序言

Any doctrine of racial superiority and theory of racial discrimination is scientifically false and morally condemnable. - Preamble



因種族、膚色或人種的不同而區別、排斥或限制其他人的基本權利和自由是一種“種族歧視”的行為。 — 第一條(一)

To distinguish, exclude or restrict others' fundamental human rights and freedoms because of race, colour or ethnic origin is an act of "racial discrimination." - Article 1 (1)



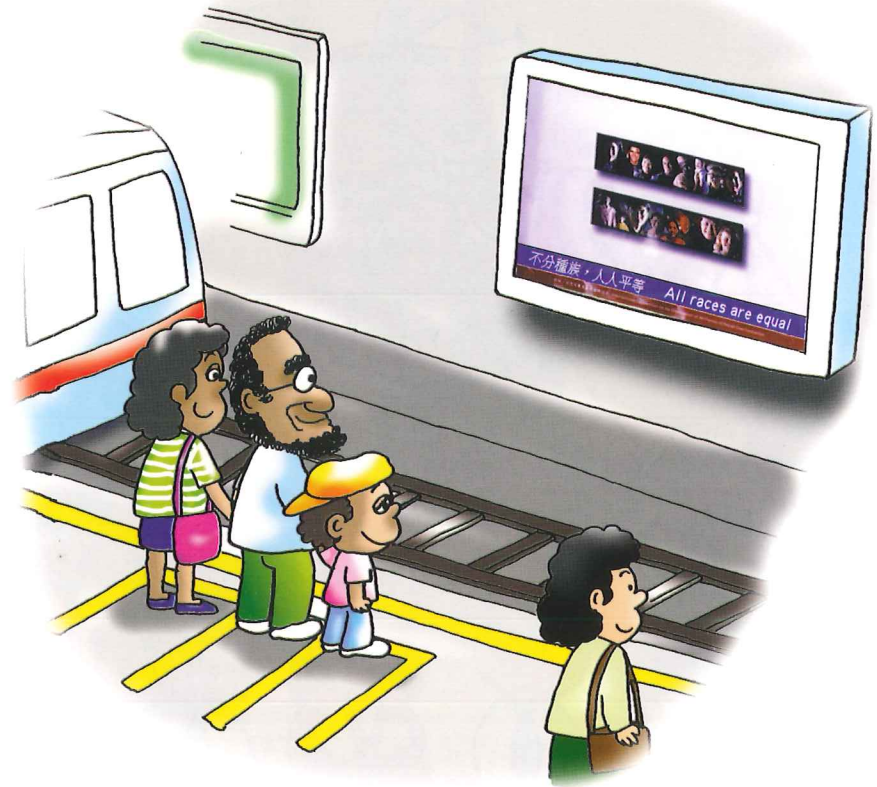
員工通告板  
Notice Board



所有公共機構不可涉及任何種族歧視的行為或習例。

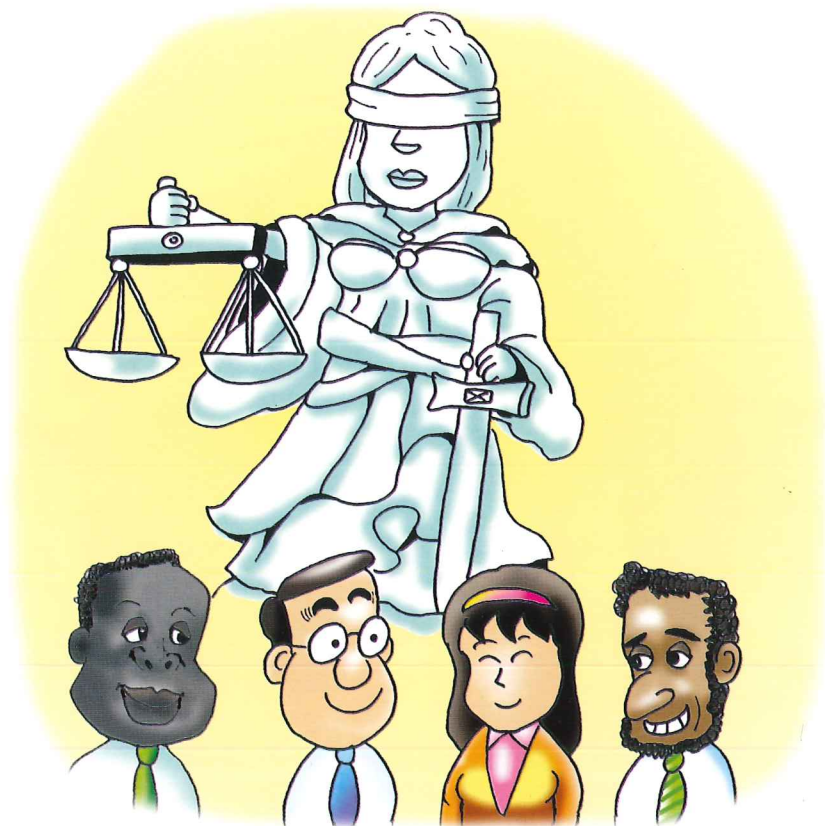
— 第二條(一)(子)

All public authorities are forbidden to engage in any act or practice of racial discrimination. - Article 2(1)(a)



締約國應採取措施以根除一切種族歧視的行為。 — 第四條

States Parties should take measures to eradicate all acts of racial discrimination. - Article 4



在法律前，人人平等。 — 第五條

Every person has the right to equality before the law. - Article 5



所有種族的人在法庭上都有權獲得平等的待遇。 — 第五條(子)

People of all races have the right to equal treatment in courts.  
- Article 5(a)



不分種族，人人有選舉與競選的權利。 — 第五條(寅)

All people, whatever their race, have the right to vote and stand for election. - Article 5(c)



不分種族，人人有權離開及歸返其本國。 — 第五條(卯)(2)

All people, whatever their race, have the right to leave and return to their country. - Article 5(d)(ii)





每一種族的人有權締結婚姻及選擇配偶。 — 第五條(卯)(4)  
Every person of every race has the right to marriage and choice of spouse.  
- Article 5(d)(iv)



每一種族的人有權單獨佔有及與他人合有財產。 — 第五條(卯)(5)  
Every person of every race has the right to own property alone and with others.  
- Article 5(d)(v)



人人有信仰自由。 — 第五條(卯)(7)

Every person has the freedom of religion. - Article 5(d)(vii)



每一種族的人有表達意見的自由。 — 第五條(卯)(8)

Every person of every race has the right to free expression of opinion.

- Article 5(d)(viii)



不分種族，人人有工作和自由選擇職業的權利。 — 第五條(辰)(1)

All people, whatever their race, have the right to work and to free choice of employment. - Article 5(e)(i)

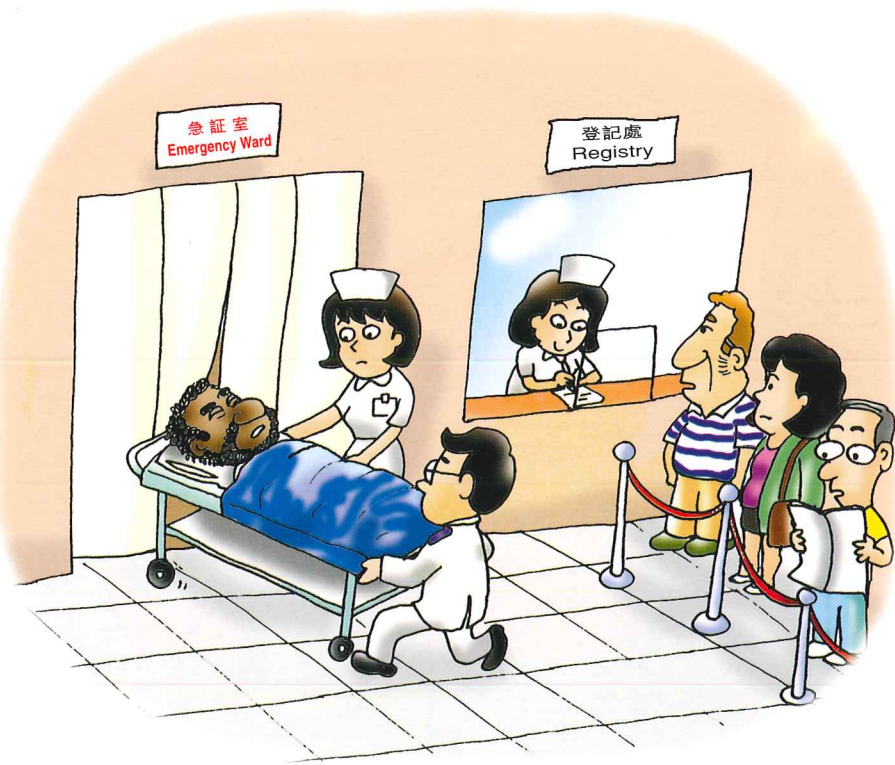


在工作上，不分種族，人人有權獲得同工同酬的待遇。

— 第五條(辰)(1)

All people have the right to equal pay for equal work, whatever their race.

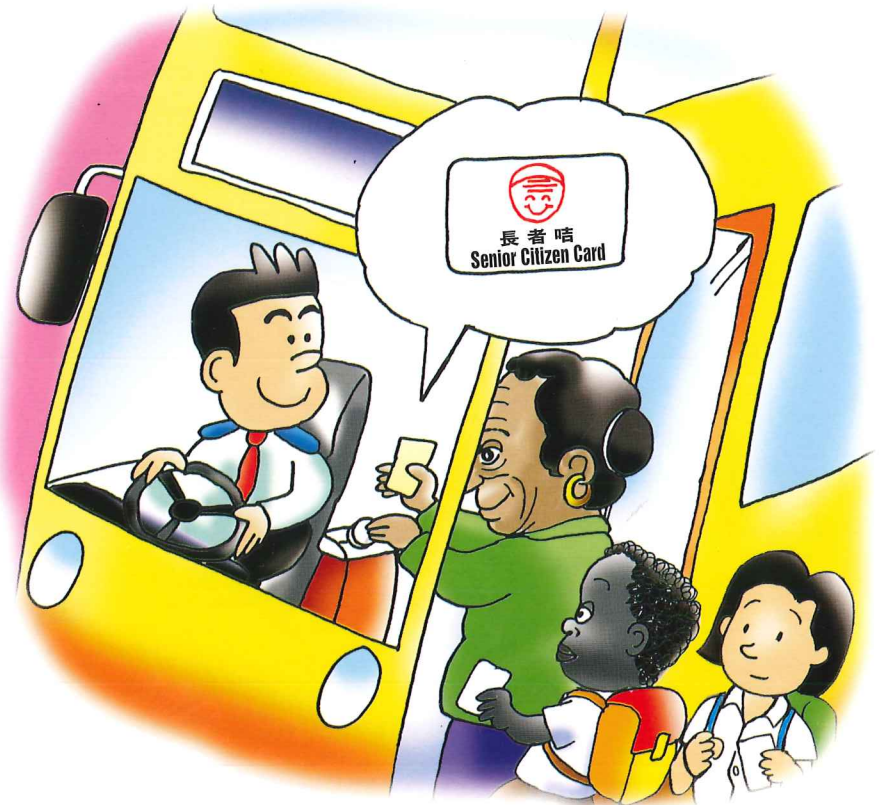
- Article 5 (e)(i)



人人有權獲得公共醫療服務。 — 第五條(辰)(4)

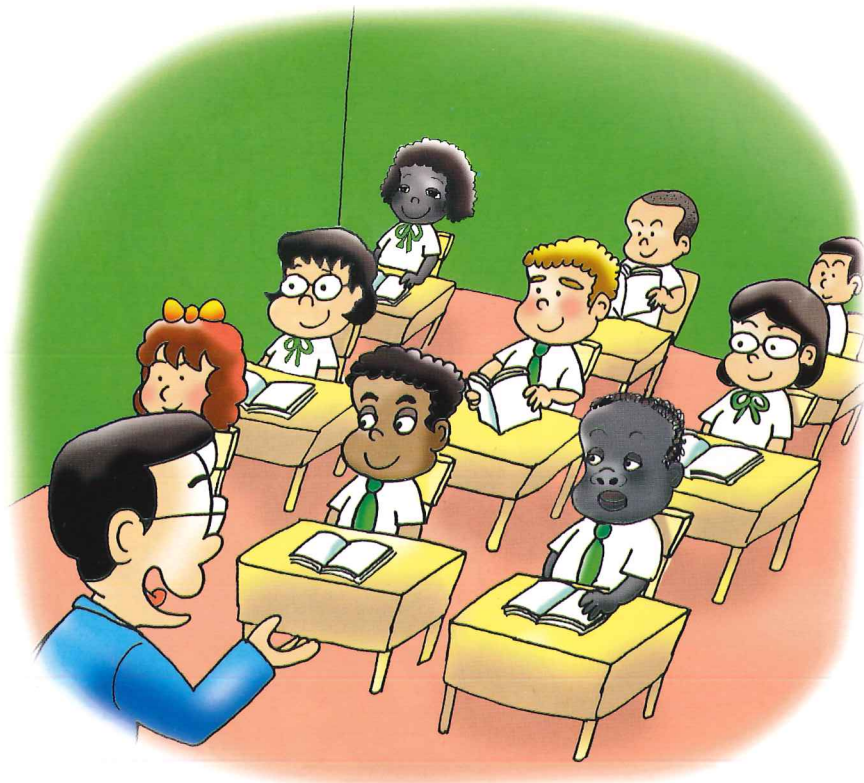
Every person has the right to receive public medical services.

- Article 5(e)(iv)



人人有享受社會福利的權利。 — 第五條(辰)(4)

Every person has the right to social welfare. - Article 5(e)(iv)



所有種族的人有接受教育和訓練的權利。 — 第五條(辰)(5)

People of all races have the right to education and training.

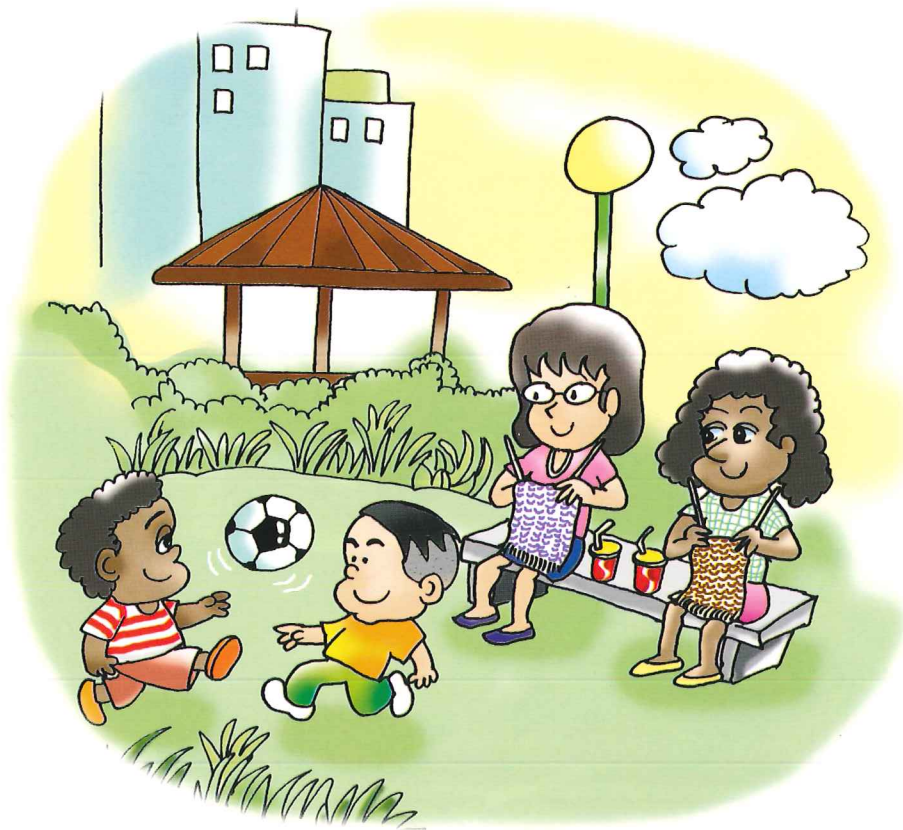
- Article 5(e)(v)



人人有權參與文化活動。 — 第五條(辰)(6)

Every person has the right to participate in cultural activities.

- Article 5(e)(vi)



不分種族，人人有使用公眾地方或服務的權利。 — 第五條(己)

All people, whatever their race, have the right to use any place or service provided for the general public. - Article 5(f)



所有種族的人有權使用公共交通工具。 — 第五條(己)

People of all races have the right to use public transport.  
- Article 5(f)

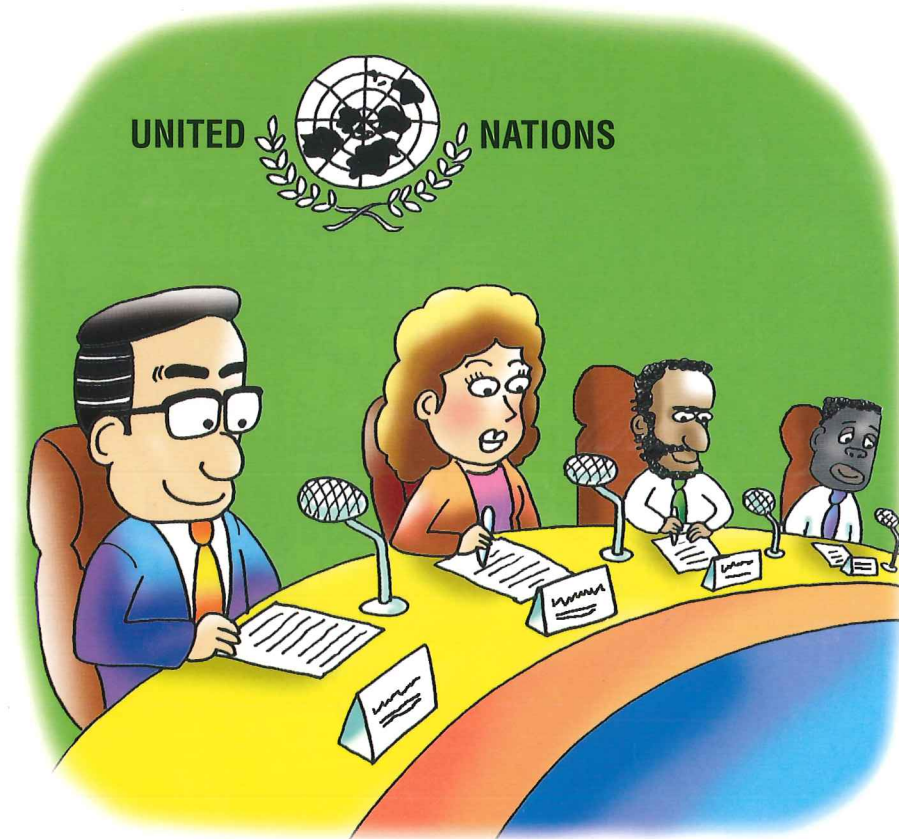


締約國應採取有效措施以增進種族或民族間的諒解，容忍和友誼。

— 第七條

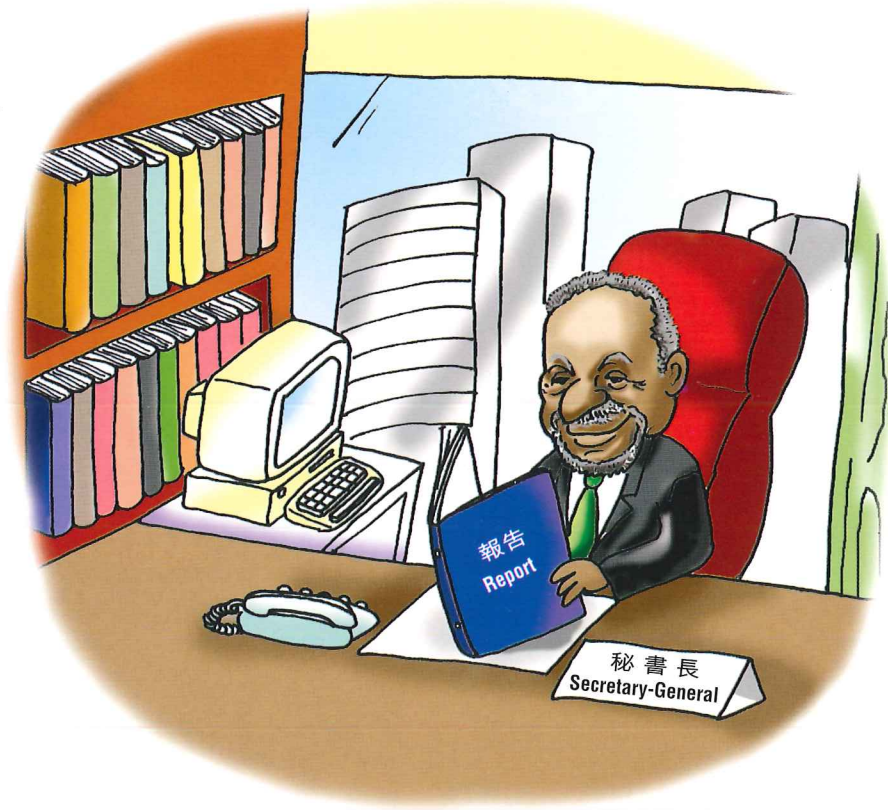
States Parties should adopt effective measures to promote understanding, tolerance and friendship among racial or ethnic groups.

- Article 7



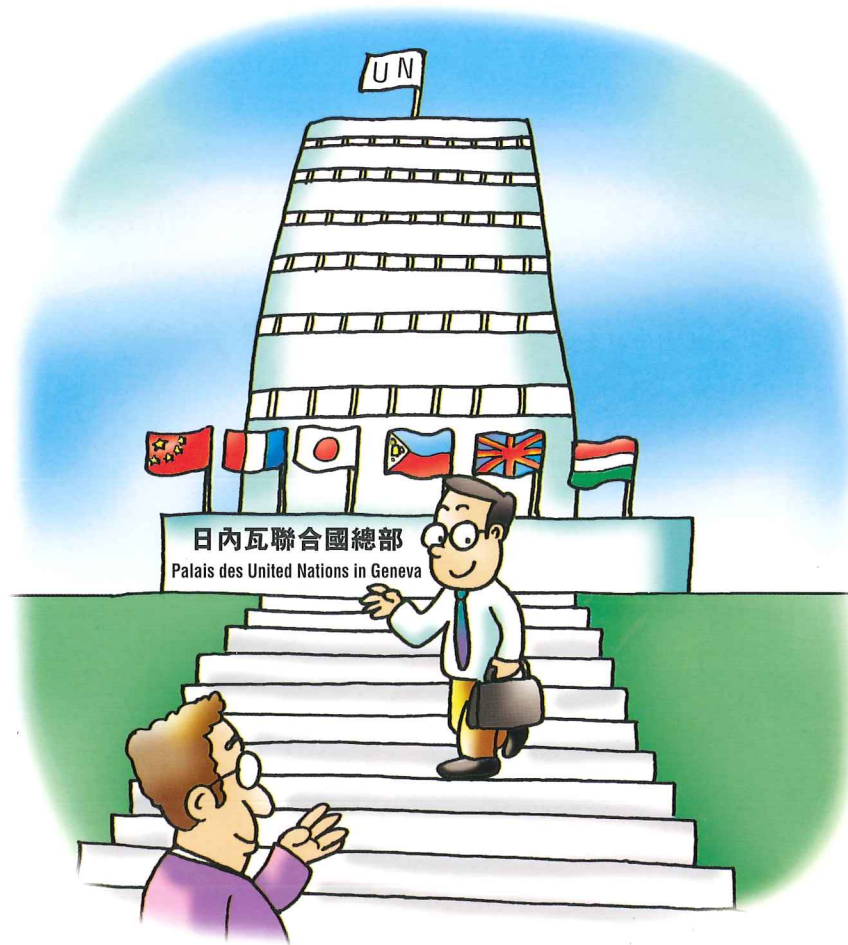
消除種族歧視委員會，由十八位來自不同締約國的德高望重和公  
無私的專家組成，負責監察公約的施行。 — 第八條

The Committee on the Elimination of Racial Discrimination, consisting of 18 experts of high moral standing and acknowledged impartiality from different State Parties, is responsible for overseeing the implementation of the Convention. - Article 8



締約國須每兩年就其對實施本公約而採取的措施，  
向聯合國提交報告。 — 第九條（一）

States Parties should submit to the United Nations reports on the  
measures taken to give effect to the provisions of the Convention every  
two years. - Article 9(1)



消除種族歧視委員會會議通常在聯合國總部內舉行。  
— 第十條（四）

Meetings of the Committee are normally held at United Nations  
Headquarters. - Article 10(4)





本公約歡迎任何聯合國的成員國加入成為會員。  
— 第十八條(一)

Any State Member of the United Nations is welcome to be a member of  
the Convention. - Article 18(1)



本公約的中文、英文、法文、俄文及西班牙文的文本  
均可同樣作準。 — 第廿五條(一)

The Chinese, English, French, Russian and Spanish texts of this  
Convention are equally authentic. - Article 25(1)

# 消除一切形式種族歧視國際公約（原文）

## 序言

本公約締約國，

鑑於聯合國憲章係以全體人類天賦尊嚴與平等的原則為基礎，所有會員國均擔允採取共同及個別行動與本組織合作，以達成聯合國宗旨之一，即不分種族、性別、語言或宗教，增進並激勵對於全體人類的人權及基本自由的普遍尊重與遵守，

鑑於世界人權宣言宣示人皆生而自由，在尊嚴及權利上均各平等，人人有權享受該宣言所載的一切權利與自由，無分軒輊，尤其不因種族、膚色或民族而分軒輊，

鑑於人人在法律上悉屬平等並有權享受法律的平等保護，以防止任何歧視及任何煽動歧視的行為，

鑑於聯合國已譴責殖民主義及與之並行的所有隔離及歧視習例，不論其所採形式或所在地區為何，又一九六〇年十二月十四日給予殖民地國家和人民獨立宣言（大會第1514（XV）號決議）已確認並鄭重宣示有迅速無條件終止此類習例的必要，

鑑於一九六三年十一月二十日聯合國消除一切形式種族歧視宣言（大會第1904（XVIII）號決議）鄭重宣告迅速消除全世界一切種族歧視形式及現象及確保對人格尊嚴的了解與尊重，實屬必要，

深信任何基於種族差別的種族優越學說，在科學上均屬錯誤，在道德上應予譴責，在社會上均屬失平而招險，無論何地，理論上或實踐上的種族歧視均無可辯解，

重申人與人間基於種族、膚色或人種的歧視，為對國際友好和平關係的障礙，足以擾亂民族間的和平與安全，甚至共處於同一國內的人與人間的和諧關係，

深信種族壁壘的存在為任何人類社會理想所嫉惡，

忱於世界若干地區仍有種族歧視的現象，並忱於基於種族優越或種族仇恨的政府政策，諸如“種族隔離”、分隔或分離政策，

決心採取一切必要措施迅速消除一切種族歧視形式及現象，防止並打擊種族學說及習例，以期促進種族間的諒解，建立毫無任何形式的種族隔離與種族歧視的國際社會，

念及一九五八年國際勞工組織所通過關於就業及職業歧視公約與一九六〇年聯合國教育、科學及文化組織所通過取締教育歧視公約，

亟欲實施聯合國消除一切形式種族歧視宣言所載的原則並確保為此目的盡早採取實際措施，

爰議定條款如下：

## 第一部分

### 第一條

- 一、本公約稱“種族歧視”者，謂基於種族、膚色、世系或民族或人種的任何區別、排斥、限制或優惠，其目的或效果為取消或損害政治、經濟、社會、文化或公共生活任何其他方面人權及基本自由在平等地位上的承認、享受或行使。
- 二、本公約不適用於締約國對公民與非公民間所作的區別、排斥、限制或優惠。
- 三、本公約不得解釋為對締約國關於國籍、公民身分或歸化的法律規定有任何影響，但以此種規定不歧視任一籍民為限。
- 四、專為使若干須予必要保護的種族或民族團體或個人獲得充分進展而採取的特別措施以期確保此等團體或個人同等享受或行使人權及基本自由者，不得視為種族歧視，但此等措施的後果須不致在不同種族團體間保持各別行使的權利，且此等措施不得於所定目的達成後繼續實行。

### 第二條

- 一、締約國譴責種族歧視並承諾立即以一切適當方法實行消除一切形式種族歧視與促進所有種族間的諒解的政策，又為此目的：
  - （子）締約國承諾不對人、人群或機關實施種族歧視行為或習例，並確保所有全國性及地方性的公共當局及公共機關均遵守此項義務行事；
  - （丑）締約國承諾對任何人或組織所施行的種族歧視不予提倡、維護或贊助；
  - （寅）締約國應採取有效措施對政府及全國性與地方性的政策加以檢查，並對任何法律規章足以造成或持續不論存在於何地的種族歧視者，予以修正、廢止或宣告無效；
  - （卯）締約國應以一切適當方法，包括依情況需要制定法律，禁止並終止任何人、任何團體或任何組織所施行的種族歧視；
  - （辰）締約國承諾於適當情形下鼓勵種族混合主義的多種族組織與運動，以及其他消除種族壁壘的方法，並勸阻有加深種族分野趨向的任何事物。
- 二、締約國應於情況需要時在社會、經濟、文化及其他方面，採取特別具體措施確保屬於各該國的若干種族團體或個人獲得充分發展與保護，以期保證此等團體與個人完全並同等享受人權及基本自由，此等措施於所定目的達成後，絕不得產生不同種族團體間保持不平等或個別行使權利的後果。

### 第三條

締約國特別譴責種族分隔及“種族隔離”並承諾在其所轄領土內防止、禁止並根除具有此種性質的一切習例。

### 第四條

締約國對於一切宣傳及一切組織、凡以某一種族或屬於某一膚色或人種的人群具有優越性的思想或理論為根據者，或試圖辯護或提倡任何形式的種族仇恨及歧視者，概予譴責，並承諾立即採取旨在根除對此種歧視的一切煽動或歧視行為的積極措施，又為此目的，在充分顧及世界人權宣言所載原則及本公約第五條明文規定的權利的條件下，除其他事項外：

- (子) 應宣告凡傳播以種族優越或仇恨為根據的思想，煽動種族歧視，對任何種族或屬於另一膚色或人種的人群實施強暴行為或煽動此種行為，以及對種族主義者的活動給予任何協助者，包括籌供經費在內，概為犯罪行為，依法懲處；
- (丑) 應宣告凡組織及有組織的宣傳活動與其他宣傳活動的提倡與煽動種族歧視者，概為非法，加以禁止，並確認參加此等組織或活動為犯罪行為，依法懲處；
- (寅) 應不准全國性或地方性公共當局或公共機關提倡或煽動種族歧視。

### 第五條

締約國依本公約第二條所規定的基本義務承諾禁止並消除一切形式種族歧視，保證人人有不分種族、膚色或民族或人種在法律上一律平等的權利，尤得享受下列權利：

- (子) 在法庭上及其他一切司法裁判機關中平等待遇的權利；
- (丑) 人身安全及國家保護的權利以防強暴或身體上的傷害，不問其為政府官員所加抑為任何私人、團體或機關所加；
- (寅) 政治權利，其尤著者為依據普遍平等投票權參與選舉 — 選舉與競選 — 參加政府以及參加處理任何等級的公務與同等服務公務的權利；

(卯) 其他公民權利，其尤著者為：

- (1) 在國境內自由遷徙及居住的權利；
- (2) 有權離去任何國家，連其本國在內，並有權歸返其本國；
- (3) 享有國籍的權利；
- (4) 締結婚姻及選擇配偶的權利；
- (5) 單獨佔有及與他人合有財產的權利；
- (6) 繼承權；
- (7) 思想、良心與宗教自由的權利；
- (8) 主張及表達自由的權利；
- (9) 和平集會及結社自由的權利；

(辰) 經濟、社會及文化權利，其尤著者為：

- (1) 工作、自由選擇職業、享受公平優裕的工作條件、免於失業的保障、同工同酬、獲得公平優裕報酬的權利；
- (2) 組織與參加工會的權利；
- (3) 住宅權；
- (4) 享受公共衛生、醫藥照顧、社會保障及社會服務的權利；
- (5) 享受教育與訓練的權利；
- (6) 平等參加文化活動的權利；

(巳) 進入或利用任何供公眾使用的地方或服務的權利，如交通工具、旅館、餐館、咖啡館、戲院、公園等。

### 第六條

締約國應保證在其管轄範圍內，人人均能經由國內主管法庭及其他國家機關對違反本公約侵害其人權及基本自由的任何種族歧視行為，獲得有效保護與救濟，並有權就因此種歧視而遭受的任何損失向此等法庭請求公允充分的賠償或補償。

### 第七條

締約國承諾立即採取有效措施尤其在講授、教育、文化及新聞方面以打擊導致種族歧視之偏見，並增進國家間及種族或民族團體間的諒解、容恕與睦誼，同時宣揚聯合國憲章之宗旨與原則、世界人權宣言、聯合國消除一切形式種族歧視宣言及本公約。

## 第二部分

### 第八條

- 一、茲設立消除種族歧視委員會（以下簡稱“委員會”）由德高望重、公認公正的專家十八人組成，由本公約締約國自其國民中選出，以個人資格任職；選舉時須顧及公勻地域分配及各種不同文明與各主要法系的代表性。
- 二、委員會委員應以無記名投票自締約國推薦的人員名單中選出。締約國得各自本國國民中推薦一人。
- 三、第一次選舉應自本公約生效之日起六個月後舉行。聯合國秘書長應於每次選舉日前至少三個月時函請締約國於兩個月內提出其所推薦之人的姓名。秘書長應將所有如此推薦的人員依英文字母次序，編成名單，註明推薦此等人員的締約國，分送各締約國。
- 四、委員會委員的選舉應在秘書長於聯合國會所召開的締約國會議中舉行。該會議以三分之二締約國為法定人數，凡得票最多，且佔出席及投票締約國代表絕對多數票者當選為委員會委員。
- 五、（子）委員會委員任期四年。但第一次選舉產生的委員中，九人的任期應於兩年終了時屆滿，第一次選舉後，此九人的姓名應即由委員會主席抽籤決定。  
（丑）臨時出缺時，其專家不復擔任委員會委員的締約國，應自其國民中指派另一專家，經委員會核准後，填補遺缺。
- 六、締約國應負責支付委員會委員履行委員會職務時的費用。

### 第九條

- 一、締約國承諾於（子）本公約對其本國開始生效後一年內，及（丑）其後每兩年，並凡遇委員會請求時，就其所採用的實施本公約各項規定的立法、司法、行政或其他措施，向聯合國秘書長提出報告，供委員會審議。委員會得請締約國遞送進一步的情報。
- 二、委員會應按年將工作報告送請秘書長轉送聯合國大會，並得根據審查締約國所送報告及情報的結果，擬具意見與一般建議。此項意見與一般建議應連同締約國核具的意見，一併提送大會。

### 第十條

- 一、委員會應自行制訂其議事規則。
- 二、委員會應自行選舉職員，任期兩年。
- 三、委員會的秘書人員應由聯合國秘書長供給。
- 四、委員會會議通常應在聯合國會所舉行。

### 第十一條

- 一、本公約一締約國如認為另一締約國未實施本公約的規定，得將此事通知委員會注意。委員會應將此項通知轉知關係締約國，收文國應於三個月內，向委員會提出書面說明或聲明，以解釋此事，如已採取補救辦法並說明所採辦法。
- 二、如此事於收文國收到第一次通知後六個月內，當事雙方未能由雙邊談判或雙方可以採取的其他程序，達成雙方滿意的解決，雙方均有權以分別通知委員會及對方的方法，再將此事提出委員會。
- 三、委員會對於根據本條第二款規定提出委員會的事項，應先確實查明依照公認的國際法原則，凡對此事可以運用的國內補救辦法皆已用盡後，始得處理。但補救辦法的實施拖延過久時不在此例。
- 四、委員會對於收受的任何事項，得請關係締約國供給任何其他有關資料。
- 五、本條引起的任何事項正由委員會審議時，關係締約國有權遣派代表一人於該事項審議期間參加委員會的討論，但無投票權。

### 第十二條

- 一、（子）委員會主席應於委員會搜集整理認為必需的一切情報後，指派一專設和解委員會（以下簡稱和解會），由五人組成，此五人為委員會委員或非委員會委員均可。和解會委員之指派，須徵得爭端當事各方的一致充分同意，和解會應為關係各國斡旋，俾根據尊重公約的精神，和睦解決問題。  
（丑）遇爭端各當事國於三個月內對和解會的組成的全部或一部未能達成協議時，爭端各當事國未能同意的和解會委員，應由委員會用無記名投票法以三分之二多數票從其本身的委員中選舉。
- 二、和解會委員以私人資格任職，和解會委員不得為爭端當事各國的國民，亦不得為非本公約締約國的國民。

- 三、和解會自行選舉主席，制訂議事規則。
- 四、和解會會議通常應在聯合國會所舉行，或和解會決定的方便地點舉行。
- 五、依本公約第十條第三款供給的秘書人員，於締約國間發生爭端，致成立和解會時，應亦為和解會辦理事務。
- 六、爭端各當事國依照聯合國秘書長所提概算，平均負擔和解會委員的一切費用。
- 七、秘書長於必要時，有權在爭端各當事國依本條第六款償付之前，支付和解會委員的費用。
- 八、委員會所搜集整理的情報應送交和解會，和解會得請關係國家供給任何其他有關情報。

### 第十三條

- 一、和解會應於詳盡審議上稱事項後，編撰報告書，提交委員會主席，內載其對於與當事國間爭執有關的一切事實問題的意見，並列述其認為適當的和睦解決爭端的建議。
- 二、委員會主席應將和解會報告書分送爭端各當事國。各當事國應於三個月內，通知委員會主席是否接受和解會報告書所載的建議。
- 三、委員會主席應於本條第二款規定的期限屆滿後，將和解會報告書及關係締約國的宣告，分送本公約其他締約國。

### 第十四條

- 一、締約國得隨時聲明承認委員會有權接受並審查在其管轄下自稱為該締約國侵犯本公約所載任何權利行為受害者的個人或個人聯名提出的來文。本文所指為未曾發表此種聲明的締約國時，委員會不得接受。
- 二、凡發表本條第一款所規定的聲明的締約國得在其本國法律制度內設立或指定一主管機關，負責接受並審查在其管轄下自稱為侵犯本公約所載任何權利行為受害者並已用盡其他可用的地方補救辦法的個人或個人聯名提出之請願書。
- 三、依照本條第一款所發表的聲明及依照本條第二款所設立或指定的任何機關名稱應由關係締約國交存聯合國秘書長，再由秘書長將其副本分送本公約其他締約國。上述聲明得隨時通知秘書長撤回，但此項撤回不得影響正待委員會處理的來文。
- 四、依照本條第二款設立或指定的機關應置備請願書登記冊，此項登記冊的正式副本應經適當途徑每年轉送秘書長存檔，但以不得公開揭露其內容為條件。

- 五、遇未能從依本條第二款所設立或指定的機關取得補償時，請願人有權於六個月內將此事通知委員會。
- 六、(子)委員會應將其所收到的任何來文秘密提請據稱違反公約任何條款的締約國注意，但非經關係個人或聯名個人明白表示同意，不得透露其姓名。委員會不得接受匿名來文。
  - (丑)收文國應於三個月內向委員會提出書面說明或聲明，解釋此事，如已採取補救辦法，並說明所採辦法。
- 七、(子)委員會應參照關係締約國及請願人所提供的全部資料，審議來文。非經查實請願人確已用盡所有可用的國內補救辦法，委員會不得審議請願人的任何來文。但補救辦法之實施拖延過久時，不在此例。
  - (丑)委員會倘有任何意見或建議，應通知關係締約國及請願人。
- 八、委員會應於其常年報告書中列入此種來文的摘要，並斟酌情形列入關係締約國之說明與聲明及委員會的意見與建議的摘要。
- 九、委員會應於本公約至少已有十締約國受依照本條第一款所發表聲明的拘束後始得行使本條所規定的職權。

### 第十五條

- 一、在大會一九六〇年十二月十四日第 1 5 1 4 (X V) 號決議所載給予殖民地國家和人民獨立宣言的目標獲致實現前，本公約各項規定絕不限制其他國際文書或聯合國及其各專門機構授予此等人民的請願權。
- 二、(子)依本公約第八條第一款設立的委員會應自處理與本公約原則目標直接有關事項而審理托管及非自治領土居民或適用大會第 1 5 1 4 (X V) 號決議的一切其他領土居民所遞請願書的聯合國各機關，收受本公約事項有關的請願書副本，並就各該請願書向各該機關表示意見及提具建議。
  - (丑)委員會應收受聯合國主管機關所遞關於各管理國家在本條(子)項所稱領土內所實施與本公約原則目標直接有關的立法、司法、行政或其他措施之報告書，表示意見並提具建議。
- 三、委員會應在其提送大會的報告書內列入其自聯合國各機關所收到請願書與報告書的摘要及委員會對各該請願書及報告書的意見與建議。
- 四、委員會應請聯合國秘書長提供關於本條第二款(子)項所稱領土之一切與本公約目標有關並經秘書長接獲的情報。

## 第十六條

本公約關於解決爭端或控訴之各項條款的適用，應不妨礙聯合國及其專門機構組織法或所通過公約內關於解決歧視方面爭端或控訴規定的其他程序，並不阻止本公約締約國依照彼此間現行一般或特殊國際協定，採用其他程序以解決爭端。

## 第三部分

### 第十七條

- 一、本公約開放給聯合國會員或其任何專門機構的會員國、國際法院規約當事國及經聯合國大會邀請成為本公約締約國的任何其他國家簽字。
- 二、本公約須經批准。批准書應交存聯合國秘書長。

### 第十八條

- 一、本公約應開放給本公約第十七條第一款所稱的任何國家加入。
- 二、加入應向聯合國秘書長交存加入書。

### 第十九條

- 一、本公約應自第二十七件批准書或加入書交存聯合國秘書長之日後第三十日起發生效力。
- 二、本公約對於在第二十七件批准書或加入書交存後批准或加入公約之國家應自該國交存批准書或加入書之日後第三十日起發生效力。

### 第二十條

- 一、秘書長應收受各國於批准或加入時所作的保留並分別通知本公約所有締約國或可成為締約國的國家。凡反對此項保留的國家應於從此項通知書日期起算之九十日內，通知秘書長不接受此項保留。
- 二、凡與本公約的目標及宗旨抵觸的保留不得容許，其效果足以阻礙本公約所設任何機關之業務者，亦不得准許。凡經至少三分之二本公約締約國反對者，應視為抵觸性或阻礙性之保留。
- 三、前項保留得隨時通知秘書長撤銷。此項通知自收到之日起生效。

### 第二十一條

締約國得以書面通知聯合國秘書長退出本公約。退約應於秘書長接獲通知之日起，一年後發生效力。

### 第二十二條

兩個或兩個以上締約國間關於本公約的解釋或適用的任何爭端不能以談判或以本公約所明定的程序解決者，除爭端各方商定其他解決方式外，應於爭端任何一方請求時提請國際法院裁決。

### 第二十三條

- 一、任何締約國得隨時以書面向聯合國秘書長提出修改本公約之請求。
- 二、聯合國大會應決定對此項請求採取的步驟。

### 第二十四條

秘書長應將下列事項通知本公約第十七條第一款所稱的所有國家：

- (子) 依第十七條及第十八條所為的簽字、批准及加入；
- (丑) 依第十九條本公約發生效力的日期；
- (寅) 依第十四條及第二十條及第二十三條接獲的來文及聲明；
- (卯) 依第二十一條所為的退約。

### 第二十五條

- 一、本公約應交存聯合國檔庫，其中文、英文、法文、俄文及西班牙文各本同一作準。
- 二、聯合國秘書長應將本公約的正式副本分送所有屬於本公約第十七條第一款所稱各類之一的國家。

## 公約對香港的適用範圍

中華人民共和國政府於一九九七年六月十日去信聯合國秘書長，作出以下通知：

中華人民共和國政府於一九八一年十二月二十九日交存加入書的《消除一切形式種族歧視國際公約》（以下簡稱公約），自一九九七年七月一日起適用於香港特別行政區，同時中華人民共和國政府作如下聲明：

- 一、中華人民共和國政府對公約第二十二條所作的保留亦適用於香港特別行政區。  
〔見註（1）〕
- 二、假如已提供第六條關於“賠償或補償”兩種補救方式任何一種，則中華人民共和國政府代表香港特別行政區把上述有關“賠償或補償”的規定解釋為已履行，並把“補償”解釋為包括任何能把有關的歧視行為予以終止的補救方式。

註（1）對第二十二條所作的保留是：“中華人民共和國對公約第二十二條的規定有保留，不受該條的約束。”

## International Convention on the Elimination of All Forms of Racial Discrimination (Original Text)

### Preamble

*The States Parties to this Convention,*

*Considering* that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Considering* that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

*Considering* that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

*Considering* that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

*Reaffirming* that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

*Convinced* that the existence of racial barriers is repugnant to the ideals of any human society,

*Alarmed* by manifestations of racial discrimination still in evidence in some areas of the world and by government policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

*Resolved* to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

*Bearing* in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

*Desiring* to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

*Have agreed as follows:*

## Part 1

### Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

### Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;



(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

### Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

### Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

### Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

- (i) The right to freedom of movement and residence within the border of the State;
- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) The right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;

- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
- (ii) The right to form and join trade unions;
- (iii) The right to housing;
- (iv) The right to public health, medical care, social security and social services;
- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

## Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

## Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

## Part II

### Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For a filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

## Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.
2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

## Article 10

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.
4. The meetings of the Committee shall normally be held at United Nations Headquarters.

## Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

## Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

- (b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission wherever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

### Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

### Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

### Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2(a) of this article.

### Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instrument of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

## PART III

### Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

### Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.
2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if a least two thirds of the States Parties to this Convention object to it.
3. Reservation may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

### Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

### Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

### Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under article 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

### Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

---

## Application of The Convention to Hong Kong

On 10 June 1997, the Government of the People's Republic of China issued a letter to the United Nations Secretary-General giving notification that-

The International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as the "Convention"), to which the Government of the People's Republic of China acceded on 29 December 1981, will apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People's Republic of China also makes the following declaration:

1. The reservation made by the Government of the People's Republic of China to Article 22 of the Convention will also apply to the Hong Kong Special Administrative Region. [see note (1)]
2. The Government of the People's Republic of China on behalf of the Hong Kong Special Administrative Region interprets the requirement in Article 6 concerning "reparation and satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end.

Note (1) The reservation against Article 22 reads : "The People's Republic of China has reservation on the provision of Article 22 of the Convention and will not be bound by it."