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## Divergence on Article 21 of the Universal Declaration of Human Rights

- Posted by [Jacob \(J.\) Lumier](#) on August 10, 2009 at 8:00am
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Declared divergence in the Spanish version for Article 21 of the Universal Declaration of Human Rights.

(I) – There is a very clear discrepancy in [item 3](#). It is perceptible that the Spanish version fragment is intercalated. The formula "...equivalent free voting procedures" ipisis literis mentions "... equivalentes procedimientos de votación libre" and not "...otro procedimiento equivalente que garantice la libertad del voto".

(II) – The original formula "...equivalent free voting procedures" ["... equivalentes procedimientos de votación libre"] considers as its object the act of voting in all its implications and predetermines the voting process protected against all threats to the elector-voter. Together with the proposal of (a) preserving the vote capability/ideal and protecting the choice against any constraint, the "...equivalent free voting procedures" ["... equivalentes procedimientos de votación libre"] (b) exclude all constriction able to force elector with penalties, and, therefore, (b1) repel any try of making previous judgment about the exercise of human freedom within the act of voting; (b2) reintegrate the electorate in the commitment of sustaining a democratic regimen.

(III) – (a) By only contemplating the assurance for "la libertad del voto", the Spanish version restricts the object to the exercise of choice, by proceeding like this, it discrepates from the original form by keeping itself discrete facing the non obligatory or facultative vote and its defense. (b) by preceding "free voting procedures" ["procedimientos de votación libre"] the original formula goes far beyond and, besides protecting in the same rank the assurance for the exercise of choice, it sustains the freedom in the act of voting and, therefore, contemplates the non obligatory or facultative vote and its defense.

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Texts

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. 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."

## 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.

Link: <http://www.un.org/en/documents/udhr/>

## Versão em Espanhol

## Artículo 21.

1. Toda persona tiene derecho a participar en el gobierno de su país, directamente o por medio de representantes libremente escogidos.

2. Toda persona tiene el derecho de acceso, en condiciones de igualdad, a las funciones públicas de su país.

3. La voluntad del pueblo es la base de la autoridad del poder público; esta voluntad se expresará mediante elecciones auténticas que habrán de celebrarse periódicamente, por sufragio universal e igual y por voto secreto u otro procedimiento equivalente que garantice la libertad del voto.

Link: <http://www.un.org/es/documents/udhr/>

Anotações elaboradas em língua portuguesa desde Rio de Janeiro, em 09 de Agosto 2009

Por Jacob (J.) Lumier

Sociólogo

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Anexo

Redação original em Português (corrigida).

Divergência constatada na versão em língua espanhola para o Article 21 da Universal Declaration of Human Rights.

(I) - Há notada discrepância no item 3. É nítida a interpolação na versão espanhola para "...equivalent free voting procedures". Esta fórmula "...equivalent free voting procedures" ipisis literis menciona "...[equivalentes] procedimientos de votación libre" e não "...otro procedimiento [equivalente] que garantice la libertad del voto", tal como consta no texto da versão em Espanhol.

(II) - A fórmula original "...equivalent free voting procedures" tem por objeto o ato de votar em todas as suas implicações e preconiza a votação protegida contra toda a ameaça ao eleitor-votante. Juntamente com o propósito de (a) preservar a idoneidade do voto e proteger a escolha contra qualquer constrangimento, os "...equivalent free voting procedures" ["...equivalentes procedimientos de votación libre"] (b) excluem toda a constrição capaz de forçar o eleitor com sanções, e desta forma (b1) repelem toda a tentativa de ajuizar previamente a liberdade humana em exercício no ato de votar; (b2) reintegram o eleitorado no compromisso com a sustentação de um regime democrático.

(III) - (a) Ao contemplar unicamente as garantias para "la libertad del voto", a versão espanhola restringe o objeto ao exercício da escolha, assim procedendo discrepa da fórmula original na medida em que mantém-se discreta perante o voto não-obrigatório ou facultativo e sua defesa. (b) Ao preceituar "free voting procedures" ["procedimientos de votación libre"] a fórmula original vai mais longe e, ademais de proteger igualmente as garantias para o exercício da escolha, sustenta a liberdade no ato de votar e desta forma contempla o voto não-obrigatório ou facultativo e sua defesa.


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