

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 28: Right to a Free and Fair World

The Universal Declaration of Human Rights was drafted in a period, 1946-1948, that was simultaneously filled with optimism, yet overshadowed by the preceding thirty years of disaster – the Great Depression and two world wars. In the view of the drafters of the UDHR, a world at peace was essential for respect for human rights and to create opportunities for everyone to improve their lives.

Article 28 says, in its entirety, that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

“To deny people their human rights is to challenge their very humanity.”

–Nelson Mandela

French jurist and judge René Cassin, one of the guiding thinkers behind the Declaration, saw this Article as the first of the crowning trio that bind the whole Declaration together. He used an architectural analogy to describe the UDHR, comparing it to the portico, (or entrance porch) of a classical Greek temple – with a foundation, steps, and four columns surmounted by a triangular pediment on top (Articles 28, 29 and 30).

Cassin envisioned Articles 1 and 2 as the foundation blocks, comprising the fundamental principles of dignity, equality, liberty and solidarity, The Preamble – explaining why the Declaration is needed – he saw as the steps. Articles 3-27 are four columns: firstly the fundamental rights of the individual; then civil and political rights, followed by spiritual, public and political freedoms; with the fourth pillar devoted to social, economic and cultural rights. Articles 28-30 – concerned with the duty of the individual to society, and the prohibition of privileging some rights at the expense of others, or in contravention of the purposes of the United Nations – form the triangular pediment of Cassin’s Greek temple.

For decades after the adoption of the UDHR in 1948, there was general acceptance that one of the principal ways to achieve “a free and fair world” – and maintain peace – was through international cooperation. In 1966, countries came together to adopt the other two essential documents that join the UDHR in forming the international Bill of Rights, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Even during the Cold War, during which the Soviet Bloc and Western countries led by the United States struggled for world domination, further human rights treaties were adopted: the International Convention on the Elimination of All Forms of Racial Discrimination (in 1965), The Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention Against Torture (1984) and the Convention on the Rights of the Child (1989). All of these binding laws were firmly rooted in the principles laid down in the Universal Declaration, years earlier.

In recent years, however, belief in multilateralism has started to fray, as some countries overtly assert their national self-interests over the welfare of humankind in general. As Human Rights Chief Michelle Bachelet puts it: “The grave danger we see today is the attempts to undermine and even discard the entire multilateral framework that was designed to protect human rights and prevent conflict. Increasing numbers of leaders no longer pretend to care about human rights, and seek to clamp down on civil society, often using national security as the pretext.”

The question facing world leaders, as IMF Chief Christine Lagarde sees it is: “Do we cooperate as a global family or do we confront each other across the trenches of insularity? Are we friends or are we foes?” The answer, she suggested is “a renewed commitment to international cooperation; to putting global interest above self-interest; to multilateralism.”

“We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

—U.S. civil rights leader **Martin Luther King**

Aggressive nationalism has an impact on respect for human rights. The right to a free and fair world implies the critical need to promote equality of opportunity and outcome within and between countries: “Inequality and discrimination are some of the defining challenges

confronting the world today, a world that is wealthier but also more unequal than ever before” said Mr. Saad Alfarargi, the UN expert on the right to development.

UN human rights bodies and independent human rights experts, important tools for realizing the international order that Article 28 speaks of, are increasingly under attack, as – sometimes – are people who cooperate with them. The UN Special Rapporteur on Myanmar, Yanghee Lee, who has herself been threatened, informed the General Assembly in 2018 that people who had spoken to her during her visits to Myanmar had faced serious reprisals. An experience shared by a number of other UN Special Rapporteurs, in flagrant disregard of states’ obligation to cooperate with mechanisms set up by states themselves, in the form of the Human Rights Council.

The failure of countries to cooperate could destroy our planet, UN Secretary General António Guterres has warned. What is missing in tackling climate change, he said in 2018, “is the leadership, and the sense of urgency and true commitment to [a] decisive multilateral response.”

French President Emmanuel Macron has also called for “dialogue and multilateralism” to resolve the world’s crises, saying that “nationalism always leads to defeat.” Speaking to the UN General Assembly in 2018, Macron urged his fellow world leaders not to “accept our history unraveling,” adding: “Our children are watching.”

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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