

30 ARTICLES ON THE 30 ARTICLES

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

It has been 70 years since world leaders explicitly spelled out the rights everyone on the planet could expect and demand simply because they are human beings. Born of a desire to prevent another Holocaust, the Universal Declaration of Human Rights continues to demonstrate the power of ideas to change the world.

The Universal Declaration of Human Rights (UDHR) was adopted on 10 December 1948. To mark the anniversary, **every day for the next 30 days the UN Human Rights Office is publishing fact sheets to put each of the Declaration's 30 Articles into perspective.** The series will attempt to show how far we have come, how far we have to go, and honour those who helped breathe life into stirring aspirations.

Although the world has changed dramatically in 70 years – the drafters did not foresee the challenges of digital privacy, artificial intelligence or climate change – its focus on human dignity continues to provide a solid basis for evolving concepts of freedoms.

The universal ideals contained in the Declaration's 30 Articles range from the most fundamental – the right to life – to those that make life worth living, such as the rights to food, education, work, health and liberty. Emphasizing the inherent dignity of every human being, its Preamble underlines that human rights are “the foundation of freedom, justice and peace in the world.”

With the memories of both World Wars and the Great Depression still fresh in their minds, the drafters spelled out what cannot be done to human beings and what must be done for them.

Chilean drafter Hernán Santa Cruz observed that the then 58 member states of the UN had agreed that human rights derive from “the fact of existing” – they are not granted by any state. This recognition, he said “gave rise to the inalienable right to live free from want and oppression and to fully develop one's personality.”

Because they are inherent to every woman, man and child, the rights listed in the 30 Articles are indivisible – they are all equally important and cannot be positioned in a hierarchy. No one human right can be fully realised without realising all other rights. Put another way, denial of one right makes it more difficult to enjoy the others.

The UDHR has an amazing legacy. Its universal appeal is reflected in the fact that it holds the Guinness World Record as the most translated document – available to date in 512 languages, from Abkhaz to Zulu.

The document presented to the UN in 1948 was not the detailed binding treaty that some of the delegates expected. As a declaration, it was a statement of principles, with a notable absence of detailed legal formulas. Eleanor Roosevelt, first chair of the fledgling UN Commission on Human Rights and widow of U.S. President Franklin Roosevelt, repeatedly stressed the need for “a clear, brief text, which could be readily understood by the ordinary man and woman.” It took 18 more years before the two binding international treaties that shaped international human rights for all time were adopted: the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted in 1966, and, together with the Declaration, are known as the International Bill of Human Rights.

Over the past 70 years, the UDHR has permeated virtually every corner of international law. Its principles are embedded in national legislations, as well as important regional treaties, and more than 90 states have enshrined its language and principles in their Constitutions. Many UN treaties, including those on the rights of women and children, on torture, and on racial discrimination, are derived from specific UDHR articles.

Today, all UN Member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights.

Such progress has often been the result of heroic struggles by human rights advocates. “Human rights are not things that are put on the table for people to enjoy,” said Wangari Maathai, the late Kenyan environmental campaigner and Nobel laureate. “These are things you fight for and then you protect.”

The entire text of the UDHR was composed in less than two years, an extraordinary consensus reached at a time when the world had recently divided into the Communist East and Western blocs, when lynching was still common in the United States and Apartheid was being consolidated in South Africa.

The Syrian representative to the UN at the time observed that the Declaration was not the work of the General Assembly, but “the achievement of generations of human beings who had worked to that end.”

However, the task of crystalizing it on paper fell to a small group of drafters from varied backgrounds, including Chinese playwright Chang Peng-Chun and Dr Charles Malik, a Lebanese philosopher and diplomat. The fact that “man” in previous documents became “everyone” in the UDHR was thanks to women delegates such as Hansa Mehta from India, Minerva Bernardino from the Dominican Republic, and Begum Shaista Ikramullah from Pakistan.

The final draft was presented to the General Assembly, at a late-night session in Paris on 9 December 1948, by a descendant of slaves, the Haitian delegate Emile Saint-Lot. The draft resolution on human rights, he said, was “the greatest effort yet made by mankind to give society new legal and moral foundations.”

Even the venue for the General Assembly session was poignant. The Palais de Chaillot was the vantage point from which Adolf Hitler had been photographed, with the Eiffel Tower in the background, during his short tour of the city in 1940 – an iconic image of the Second World War.

The following day, 10 December (now celebrated annually as Human Rights Day), 58 countries brought human rights into the realm of international law, amplifying the seven references to the term in the UN's founding Charter, which made promotion and protection of human rights a key purpose and guiding principle of the organization.

Drafters had examined some 50 contemporary constitutions to ensure inclusion of rights from around the world. Great inspiration had also been provided by the Four Freedoms proclaimed by U.S. President Franklin Roosevelt in 1941. He defined essential human freedoms as freedom of speech, freedom of worship, freedom from want and freedom from fear, and explained that "freedom means the supremacy of human rights everywhere."

The UDHR advanced from rights restricted to citizens (as in the 1789 French Declaration of the Rights of Man and of the Citizen) to the rights of humans, equal for all whether they belonged to a particular country or not. It also clearly repudiated the notion that states had free rein to do what they liked to people on their territory. At the Nuremberg Military Tribunal in 1945 and 1946, Nazi leaders had maintained they could not be held guilty of the newly-conceived "crimes against humanity" because, in the words of Hitler's deputy, Hermann Goering, "...that was our right! We were a sovereign State and that was strictly our business."

The elevation of human rights to the international level means that behaviour is no longer governed solely by national standards. And since the UDHR's adoption, its core principle that human rights cannot be set aside for the sake of political or military expediency has been progressively absorbed not just into international law, but also into an ever expanding web of regional and national legislation and institutions, including those established by the Organization of American States and the African Union and in Europe.

Every country now is subject to external scrutiny – a concept that led to establishment of the International Criminal Court in 1998, as well as UN International criminal tribunals and special courts for Rwanda, the former Yugoslavia, Sierra Leone, Lebanon, Cambodia and East Timor. There has also been a dramatic increase in the number of independent UN experts and committees who monitor implementation of the core international human rights treaties, and the UN Human Rights Council has established a system, known as the Universal Periodic Review, under which all states have their human rights record examined by each other every five years.

Praised as a living document, the UDHR stimulated movements, such as that opposing Apartheid, and opened the door to the elaboration of new rights, such as the right to development. The bar is continually being raised on some rights enumerated in the UDHR, such as the concept of what constitutes a fair trial. Newer rights treaties, such as that on disabilities, have been drafted not only by experts, but with the direct involvement of those affected.

On the other hand, 70 years on, racism, discrimination and intolerance remain among the greatest challenges of our time. Rights to freedom of expression, association and assembly – indispensable to the functioning of civil society – continue to come under attack in all regions of the world. Governments are often ready to sidestep or trample on rights in the pursuit of what they see as security, or

to maintain power or sustain corruption. Despite the fact that all 193 UN member states subscribe to the Declaration, none of them fully lives up to its promise. As Nelson Mandela noted in his 1998 speech to the General Assembly marking the UDHR's 50th anniversary, their failures to do so "are not a pre-ordained result of the forces of nature or a product of the curse of the deities. They are the consequences of decisions which men and women take or refuse to take." A product of poor political, economic and other forms of leadership.

Yet, at the same time, the UDHR continues to provide the basis for discussion of burning new issues, such as climate change, which "undermines the enjoyment of the full range of human rights – from the right to life, to food, to shelter and to health," in the words of former UN rights chief Mary Robinson. And the rights it asserts are at the heart of the UN's Sustainable Development Goals (SDGs), which seek to create a better world by 2030 by, among others, ending poverty and hunger.

The first article on Article 1 of the UDHR – "All human beings are born free and equal" – will be sent to media, and placed on www.ohchr.org tomorrow, 9 November

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THE FIRST ARTICLE ON ARTICLE 1 OF THE UDHR – "ALL HUMAN BEINGS ARE BORN FREE AND EQUAL" – WILL BE SENT TO MEDIA, AND PLACED ON WWW.OHCHR.ORG TOMORROW, 10 NOVEMBER

For more information on the events listed in this advisory, please contact *Rupert Colville* - + 41 22 917 9767 / rcolville@ohchr.org or *Ravina Shamdasani* - + 41 22 917 9169 / rshamdasani@ohchr.org

More details about the events and campaigns linked to the 70th anniversary will be posted on <http://www.standup4humanrights.org/>

For more information on the UDHR itself, please visit <http://www.un.org/en/universal-declaration-human-rights/>

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