



The Universal Declaration turns 60!

“All human beings are born free and equal in dignity and rights.”

Universal Declaration of Human Rights, Article 1.

The 10th December 2008 marked the 60th anniversary of the Universal Declaration of Human Rights.

The Universal Declaration was adopted by the General Assembly of the United Nations on 10th December 1948.

The Illawarra Legal Centre joined with people, communities and organisations around the world to mark this special anniversary.

So what is the Universal Declaration of Human Rights?

The Universal Declaration of Human Rights (UDHR for short) is a declaration adopted by the General Assembly of the United Nations in 1948. The UDHR urges the nations of the world to promote human, civil, economic and social rights.

Much of the motivation for the UDHR was in response to the atrocities of the World War II. The nations of the world were determined that the events of WWII and its human rights abuses should not be repeated. Therefore, it was necessary to frame human rights in a global declaration that would promote the fundamental rights of the individual and in doing so constrain the actions of nation states. The UDHR aims to define a body of inalienable human rights. That is, rights which cannot not be dispensed with and which take priority over the needs and actions of governments.



Eleanor Roosevelt with a Spanish Language edition of the UDHR.

Those who framed the UDHR aspired to the creation of new international law. The UDHR was a non-binding resolution of the General Assembly. The provisions of the UDHR were not strictly binding on individual nation states when the resolution was originally passed. However, many nations have incorporated aspects of the UDHR into their legal systems and the UDHR has arguably become part of customary international law. Despite many instances of human rights abuses throughout the world since 1948, the UDHR has been a powerful standard and force in the establishment of internationally recognised human rights and norms of behaviour. The UDHR has set a standard of behaviour upon which nation states judge the actions of other nation states in international relations. The UDHR has also become an international standard by which citizens judge the actions and policies of their own governments and rulers.

The UDHR can be seen as a culmination of the historical development of human rights over past centuries. From ancient times people have appealed to concepts of fundamental rights in disputes between governments and the governed. On many occasions those disputes have been settled by declarations, political compacts, covenants and charters. Magna Carta and the United States Bill of Rights are two such examples.

The preamble to the UDHR declares:

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction”.

You can read the UDHR in full at the following website: <http://www.unhcr.ch/udhr/lang/eng.htm>

The UDHR was written by an international committee which included representatives from all continents, different cultures and the major religions. It aspires to be universal and is not grounded in the global outlook of any particular race, group of nations or particular faith. The UDHR aspires to articulate the rights of all humankind.

The implementation of the UDHR has resulted in two international covenants:

- The Covenant on Civil and Political Rights (CCPR).
- The Covenant on Economic, Social and Cultural Rights (CESCR).

Civil and political rights protected under the CCPR include:

- The right to vote.
- Freedom of speech and association.
- Freedom from arbitrary arrest or detention.
- To be informed of the reasons for being arrested and any charges being laid.
- To be brought before a judge promptly, and the right to release, while awaiting trial.
- To be compensated if unlawfully arrested
- To be presumed innocent until proven guilty according to law.
- To defend oneself or use legal assistance of one’s own choosing.
- Not to be compelled to testify against oneself or to confess guilt.
- Not to be subjected to arbitrary or unlawful interference with one’s privacy.

Economic, cultural and social rights protected by the CESCR include:

- Access to food, housing, work, social security, education and health.

- Fair wages and safe working conditions.

You can view the text of the two covenants at the following websites:

CCPR: <http://www2.ohchr.org/english/law/ccpr.htm>

CESCR: <http://www2.ohchr.org/english/law/cescr.htm>

To read more about the UDHR and the covenants you can visit the Australian Human Rights Commissions website: http://www.hreoc.gov.au/education/hr_explained/5_international.html

You can also visit the website of the Office of the United Nations High Commissioner for Human Rights: <http://www2.ohchr.org/english/bodies/hrc/index.htm>. There you can find information about the UN Human Rights Committee and the UN monitoring of human rights.

The Universal Declaration and Australia

Australia played a prominent role in the framing of the Universal Declaration of Human Rights (UDHR). Australia's Dr HV Evatt helped to draft the document. He was the president of the United Nations and in the Chair when the General Assembly adopted the UDHR on 10th December 1948.

For more information on Dr HV Evatt and his involvement with the UDHR you can visit the following website: <http://www.lib.flinders.edu.au/resources/collection/special/evatt/evattbiog.html>



Dr HV Evatt signing the United Nations Charter on behalf of Australia in 1945

Australia has signed the two covenants to the UDHR:

- Covenant on Civil and Political Rights (CCPR).
- Covenant on Economic, Social and Cultural Rights (CESCR)