

The Principles and Values of the Universal Declaration of Human Rights (UDHR)

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This presentation focuses on principles and values of the UDHR, but it is important to remember that law codifies these values: covenants, mechanisms and national legislation. Thus the human rights system encompasses both values and laws, and human rights education is related to both the promotion of the values as well as the assurance of justice through law.

Human rights can be defined as those basic standards without which people cannot live in dignity as human beings. The value system of human rights is the foundation of freedom, justice and peace. Their respect allows the individual and the community to fully develop.

History of the human rights value system

Training in the history of the UDHR can focus on two different streams: first, the legal precedents, such as earlier treaties and documents (the Magna Carta, the Declaration on the Rights of Man, etc.); second, the shared human rights values that are found in many religious traditions and legal systems.

It is useful to define “rights” as a term for learners of the history of human rights. It can have multiple meanings, depending on culture. Three of the most significant are:

1. Legal: rights must be codified to exist
2. Rational: rights are not based on laws; they are the necessary precondition to human survival and development
3. Culturally relative: rights are determined by culture and ideology.

The second definition is the philosophical underpinning of the UDHR. As rights are based on reason, they exist regardless of whether or not they are codified by law. As such, these rights are non-conditional and available to all. Furthermore, these rights are understood to have certain qualities or values. They are universal, inalienable, indivisible and interdependent.

Universal: They are the same for all human beings regardless of race, sex, religion, politics, etc. Human rights are inherent to each individual, do not have to be bought, earned or inherited, and belong to people simply because they are human.

Inalienable: Human rights cannot be taken away – no one has the right to deprive another person of them for any reason. People still have human rights even when the laws of their country do not recognize them.

Indivisible: To live in dignity, all human beings are entitled to freedom, security and decent standards of living, concurrently.

Interdependent: Enjoyment of any individual human right is contingent upon the recognition and respect for other human rights. Denial of any particular right will affect the others.

Historical context of the writing of the UDHR

Human rights traditions are a product of their time. In 1945, the United Nations was established, and the term human rights was included in the UN charter. A Human Rights Commission was also established to develop a bill of human rights. The Commission, led by Eleanor Roosevelt, developed the UDHR based on 55 different state constitutions. The final text was a compromise; many controversial issues were excluded and broad language was used, omitting references to specific religious or philosophical doctrines.

Karel Vasak, a French jurist, was influential in the development of the UDHR. He developed the idea of three generation of rights:

1st Generation (civil and political) rights are represented by articles 2- 21 of the UDHR. These are the “freedom from” rights including the right to life, liberty and security, freedom from slavery, freedom of political participation, etc. These are typically associated with the Western liberal conception of human rights.

2nd Generation (economic, social and cultural) rights are contained in articles 22-27. These “freedom to” rights require the involvement of the state and have their origins in the socialist tradition. Some examples include the right to work, food, shelter, etc.

3rd Generation (environmental, cultural and developmental) rights are contained in article 28. This article concerns solidarity or collective rights, which recognize the interdependence of certain rights, such as the right to peace, a healthy environment, etc. Cultural, political and economic development is also associated with this article.

Key values of the UDHR and related law

The principles of the UDHR have been used in the fight against colonialism, African liberation movements, and in many national constitutions. They have become part of international customary law, unifying the world around certain concepts. During the period from 1960 to 1990, several other instruments were developed, such as the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture, etc., thereby further

codifying and elaborating the values established by the UDHR. These make up international human rights standards.

Implications for human rights education

Human rights education must connect to the values of the UDHR, as well as to the concrete laws that codify these values. It is important to connect the universal values to local ethical systems, traditions and customs. Finally, it is also important to educate about the mechanisms of protection and accountability.

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Reactions to the UDHR

The human rights system under the United Nations (including the UDHR) was devised for a particular purpose. Thus the values enshrined in it are the creation of human minds at a particular stage in development, and do not refer to self-evident truths. In the particular historical context of the time, the purpose of the UDHR was to create peace; it was recognized that to do so we must guarantee freedom, justice and equality.

The UDHR: contradictions and recent trends

The UDHR refers to all people (regardless of race, colour, sex, language, religion, etc.). Free countries and their citizens and colonized countries and their subjects were involved in its development. But this is contradictory: How can the rights of colonized people be guaranteed?

During the 1960s, many Asian and African countries decolonised. Becoming a member of the UN and implementing the UDHR was a sign of prestige at the time. However, the cultural and political context of various countries had a significant impact on their treatment of the UDHR. While many new nations adopted the UDHR in principle, they opted out of the articles that were in conflict with their particular religious or philosophical beliefs. Pakistan did not implement certain articles, such as the article on freedom of choice in marriage, the right to work, freedom of religion, right to equal pay, etc. Thus we can see that after the initial period of excitement around the UDHR, many newly-independent countries began to regress from their human rights commitments.

The United Nations realized that states would be the implementing bodies of human rights instruments, and therefore permitted states to implement their human rights commitments as their national resources allowed. This has provided a dangerous window of opportunity much abused by states to avoid their responsibilities, and not implement their commitments. This is particularly true in the case of economic, social, and cultural rights, which are poorly protected, especially in developing countries. These countries claim to not have the resources to implement ESC rights.

We can also note a general decline in respect for human rights, as the United Nations is less respected than 50 years ago. The human rights system was intended to create an international order, but many countries now feel the international order that has been created does not benefit their interests.

The definition of human rights education should be the same as the definition of education itself, which is to enable people to develop and cooperate with each other. However, in many countries, the purpose of education does not parallel the values set out in the UDHR. For example, in Pakistan, the guiding principle of the state is to enable Muslims to live in accordance with Islamic tradition. There is thus a division that exists throughout society created by the state's differing treatment of Muslims and non-Muslims.

It is important to relate human rights education directly to the context of people's lives. All over the world, we see a decline in liberal education, and an increasing emphasis on education to fit the market-driven economy. Students are interested in finding a career, not in creating a better world for others. What is needed is a return to the fundamentals of humanist education, teaching the basic values of tolerance, cooperation and understanding. If one can learn to cooperate and be tolerant at the local and family level, then one will be cooperative at the international level.

Question and Answer Session

The following themes were raised during the discussion period:

Exceptionalism of powerful states

It is clear that one of the greatest threats to the human rights system is the exceptionalist foreign policy of powerful states, in particular the United States. The US claims to promote human rights around the world, but often chooses to ignore or violate its own human rights commitments. This can be said of many of the Northern countries, which ironically were most involved in the drafting of the UDHR.

This problem is related to the question of values vs. self-interest, which can be examined on several levels, both on the individual level, and on the level of states. Ultimately countries will operate to further their own self-interest, and human rights education must bear this in mind.

Regionalism vs. universality

The regional mechanisms (such as the African Charter) may be seen as contradictory to the ideals of universality. However, we must make a distinction between regional *rights* and regional *mechanisms*. It is easier for people of the same region to develop common strategies, but that does not mean that the rights enshrined in these documents are not universal. Cultural diversity is allowed for by the UDHR, but its domain is limited (to food, dress, language, etc.). There cannot be cultural diversity in the definition of basic rights.

Universality is an idealized concept, but it is also practical. We want to encourage governments to respect all of the values as indivisible. Within a particular human rights

education campaign, certain values will be highlighted to address the particular cultural and political situation. For example, in the United States, there is a high value placed on the Bill of Rights. In an American awareness campaign, language can be drawn from the Bill of Rights that people are familiar with to make the link to the UDHR and broader human rights issues.

Capitalism vs. Islam

Ten years ago, the chief conflict in world politics was capitalism vs. communism; perhaps we can now argue that the dominating global conflict is capitalism vs. Islam. However, we are comparing an economic system and a belief system. Let us leave belief out of it. Leaders use religion as a justification for attacking others and waging wars against their enemies. However, they are actually fighting over the accumulation of power, control, wealth and property, not belief.