

■ The Universal Declaration of Human Rights

Date: December 10, 1948

Author: United Nations General Assembly

Genre: treaty; law

Summary Overview

Human rights refer to the fundamental rights and freedoms to which all individuals are entitled simply because they are human, such as freedom of speech, equality, and dignity. In American liberalism, human rights are central to the ideology's emphasis on individual freedoms, social justice, and federal protections. Historically, liberal advocates have championed civil rights movements, anti-discrimination laws, and international efforts to promote global human rights, viewing these as essential for creating a fair and just society.

Adopted by the United Nations General Assembly in the aftermath of World War II, and based on the work of the recently founded UN Human Rights Commission, the Universal Declaration of Human Rights set out a comprehensive set of nearly universally accepted human rights. The Declaration comprised a list of thirty principles to which every person is entitled and that every nation should ensure are protected. Among the general themes presented in the document were equality and fair treatment under the law, basic individual freedoms, the rights to work and have a family, and the ability to lawfully exercise individual freedoms. Discrimination or persecution on the basis of race, nationality, or religion were deemed unacceptable. Article 18 of the Declaration dealt more specifically with the freedom of religion.

Defining Moment

One of the most devastating periods in human history occurred over a relatively brief six-year span from 1939 through 1945: World War II. Globally, an estimated fifteen million soldiers lost their lives in battle. There was unprecedented bloodshed and human suffering as the Western Allies countered Nazi-led forces across Europe and Northern Africa and as Japan invaded China and islands of the South Pacific. Entire cities and communities were razed by bombings and artillery fire while national economies crashed.

Even more tragic was the civilian toll: approximately 45 million civilians were killed during this period. The U.S. National Holocaust Memorial Museum estimates that as many as six million Jews were killed during the Holocaust, which began in 1933, as well as several million non-Jews, particularly Russians, Poles, Romani, Serbs, and political dissidents. Approximately sixty million Europeans were displaced during the conflict. Even five years after Japan surrendered and the war came to a close,

historians believe as many as one million Europeans were still in search of a home.

The end of World War II hastened the establishment of a new international organization. Less than two months after Germany surrendered to the Allies in May 1945, representatives of fifty nations convened in San Francisco to draft the United Nations Charter, which was signed on June 26, 1945. The primary purpose of the UN, according to the charter, was to prevent future wars by promoting international peace and security, encouraging interstate cooperation, and bringing together countries across the world as a collective to address international issues. Central to the UN Charter—as articulated in the first article of the preamble—was the affirmation of fundamental human rights and the equal rights of men and women.

With fundamental human rights in mind, on February 16, 1946, the UN formally established the UN Commission on Human Rights. Former first lady Eleanor Roosevelt—whose late husband, U.S. president Franklin D. Roosevelt, first coined the term “United Nations” in a speech four years earlier—was



Eleanor Roosevelt holding poster of the Universal Declaration of Human Rights (in English), Lake Success, New York. November 1949. Photo via Wikimedia Commons. [Public domain.]

selected to serve as the chair of this new commission. Eleanor Roosevelt was a well-known advocate for refugees during the war. Throughout the war, she also advocated for policies that promoted the rights of women and black Americans.

One of only two standing UN Commissions established by the UN Charter, the Commission on Human Rights was developed with the goal of introducing human rights policy, a proposal known as the International Bill of Human Rights (IBHR). Intellectuals, elected and governmental officials, and other leading figures were brought to the table from all over the world. Each was keen to succeed in this task, but the formation of the IBHR proved more

daunting than the commission's members anticipated. The commission agreed that, in order to help in this process, it was critical to enumerate the basic human rights to which every person was entitled. On December 10, 1948, this statement—the Universal Declaration of Human Rights—was adopted by the UN General Assembly.

Author Biography and Document Information

Anna Eleanor Roosevelt was born on October 11, 1884, in New York City. In 1905, she married Franklin Delano Roosevelt, a distant cousin. In 1911, she, her husband, and their five children moved to Albany

after he was elected to the State Senate. In 1913, they again moved to Washington, D.C., where she continued to be a faithful supporter of her husband while also working with the New York State Democratic Committee. During World War I, she was an active figure in the Red Cross and Navy Relief Fund, providing comfort to injured soldiers. When her husband became president, Eleanor became an outspoken advocate for a wide range of social causes (including racial equality and wartime refugees). After her husband's death in 1945, she began service as a spokesperson in the United Nations, serving as the first chair of the UN Commission on Human Rights

from 1946 to 1952 and of the Presidential Commission on the Status of Women from 1961 until her death on November 7, 1962.

Although Eleanor Roosevelt's efforts were crucial in coordinating the Commission on Human Rights and overseeing the drafting of the Universal Declaration of Human Rights, no one person can be credited with writing the declaration. Other key individuals involved in the drafting of the Universal Declaration of Human Rights include René Cassin, a French jurist; John Peters Humphrey, a Canadian legal scholar; Chang Peng-Chun, a Chinese diplomat; and Charles Habib Malik, a Lebanese philosopher.



Historical Document

The Universal Declaration of Human Rights

Preamble

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,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore 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.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 21.

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

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.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

[Source: www.un.org.]



Document Analysis

The Universal Declaration of Human Rights states that, in the aftermath of the wartime period of widespread destruction and disregard for human rights and dignity, the world may move forward in a spirit of equality and respect for the rights of all people. In the interest of creating harmony among nations, the declaration argues that it is imperative for all states to acknowledge, embrace, and espouse a list of basic and inalienable rights to which all people, regardless of race, religion, gender, or other socioeconomic status.

As stated in the first article of this statement, every human being is born free and is entitled to basic rights. No individual shall be denied such rights, regardless of their racial, social, or political position, the document professes. Every individual shall enjoy the right to life, liberty, and security. Additionally, no person shall be held in slavery or servitude or subjected to torture. Furthermore, every person is equal before the law and should be treated as such. If accused of breaking a law, any citizen should expect a fair and public investigation by an impartial jury as well as reasonable due process under the law.

Additionally, the declaration argues people should have an equal chance to pursue the best possible quality of life. Citizens may marry, start a family, move freely within and out of the country, and own property. They may also find employment that pays a just and favorable salary for which they are qualified (the declaration also asserts that all employees have the right to form unions to protect this right and to receive equal pay for equal work). The declaration also declares that social security may be used to supplement a person's income so that they can adequately support their family.

Furthermore, the Universal Declaration of Human Rights states that every citizen has a right to an education as well as to choose the form of education he or she prefers. In fact, the declaration suggests that the right to an education is an imperative: for every person, at least an elementary education should be free for all children. The declaration also asserts that higher education should be made available and that everyone should have equal access to a higher education based on merit.

The declaration does not simply identify the rights to which people are entitled—it outlines the imperative for national governments to ensure that these rights are upheld. In addition to the need for governments to install legal institutions and systems that equitably protect the rights and interests of all citizens, governments must create laws that aid the people's pursuits of their way of life. For example, nations must ensure that any workplace is just and has favorable working conditions. Furthermore, the government must be open and to all points of view, allowing for dissenting points of view. As long as public discord is lawful, national governments must maintain respect for the rights of those involved. Finally, all states must be respectful of the rights of peoples. Such a policy promotes international brotherhood and fosters global good will, preventing future international conflicts.

The Universal Declaration of Human Rights served as a foundation document for the International Bill of Human Rights (IBHR). The IBHR consists of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (both adopted in 1966) and became an international law in 1976. Thus, the declaration needed to define the most basic and essential rights to which every person is entitled. These rights included the freedom to express oneself politically and socially, to join (or not join) any lawful organizations, to practice their own religion, to enjoy equal protection under the law, to have a job, and to start a family.

On the other side, the declaration acts as a reminder for governments not to impinge upon these rights. The role of a national government, according to the document, is to foster equality, fairness, and the highest quality of life. To this end, the declaration suggests that governments should not discriminate against any gender, racial or ethnic group, or religion. The document also states that nations should not enslave, unlawfully imprison, or otherwise repress their citizens and that they should develop institutions that protect workers, promote education, and maintain the best possible standard of living for all citizens.

—Michael P. Auerbach, MA

Bibliography and Additional Reading

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