

The Universal Declaration on Human Rights: from inspiration to action

(Address by Rosemary McCreery, Director of the Cambodia Office of the High Commissioner for Human Rights, at the opening of the symposium "How universal is our response to the refugee challenge?", May 25, 1998.)

"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." (Preamble to the Universal Declaration of Human Rights, 1948).

Your Excellencies, Mr. President of Chulalongkorn University, ladies and gentlemen, dear friends and colleagues,

I am honoured to have been invited to join you here today at this symposium to commemorate the 50th. Anniversary of the Universal Declaration of Human Rights.

As we celebrate this fiftieth anniversary, and consider to what extent we have met the "common standard of achievement" for all peoples and all nations set by the Universal Declaration, we should remember first of all the circumstances in which that Declaration came into being.

During the first part of the very first session of the General Assembly, held in London in 1946, the representative of Panama submitted a draft declaration of fundamental human rights and freedoms. The member states were all too conscious of the innumerable ways in which these rights and freedoms had been denied during the Second World War, and were immediately ready to give the matter the highest priority. They could draw for their authority on the Charter of the United Nations, with its repeated references to the inalienable and universal nature of human rights – "the equal rights of men and women and of nations large and small".

Within a year, when the second session of the General Assembly began, it was ready to instruct the Commission on Human Rights established earlier that year to proceed with the preparation of an international bill of human rights. The Universal

Declaration was to be the keystone of the bill. The drafting committees set to work, and, by the time the General Assembly met for the third time in Paris in late 1948, the member states were able to adopt and proclaim the Declaration. Human rights were now placed at the centre of the international agenda, as a legitimate political and moral concern, and the UN pledged to uphold their pursuit, promotion and protection.

This combination of commitment to high ideals and to the urgency of meeting them, gives the Universal Declaration a special character. Reading the Declaration today, the simplicity and clarity of its language strikes us immediately: starting with the initial and crucial assertion, "All human beings are born free and equal in dignity and rights", its thirty articles use only the boldest language. Twenty-two of the articles begin with the words, "everyone has the right" or "everyone is entitled". These powerful statements leave no room for misunderstanding or distortion, and call on us all to act for their achievement.

Although the Declaration set the "common standard of achievement" for the protection and promotion of human rights, instruments to bind nations legally as well as morally were still needed. Preparations began for two Covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Moving from the grand sweep of the Declaration to the specific obligations expressed in the Covenants involved much negotiation and, apparently, much toil: the article-by-article discussion of the Covenants stretched over twelve sessions of the GA, from 1954 until 1966, when they were finally opened for signature. By that time, the UN numbered more than twice as many member states as had voted to proclaim the Declaration in 1948.

Although the two Covenants separate civil and political rights from economic, social and cultural rights, the General Assembly recognized that all rights are "interconnected and interdependent", and the language of the Covenants reflects this. The first paragraph of each covenant draws on the first paragraph in the Universal Declaration, affirming that "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 provisions of the key introductory paragraphs of both Covenants are almost identical, revealing the common source of their inspiration. The Covenants both entered into force in 1976, when thirty-five countries had ratified them. Today, more than 140 states have acceded to the Covenants.

Looking over the last few decades, we can detect the influence of the Declaration in many places: the regional conventions on human rights, the numerous declarations on rights by the UN and by NGOs, and the great majority of the treaties in the UN treaty series and many national constitutions, laws and policies protecting human rights. In effect, in some respects, the Declaration has acquired through practice all status of universal law. The Teheran conference in 1968, celebrating the

twentieth anniversary of the Declaration, reaffirmed the Declaration's principles and urged the international community to redouble its efforts to apply it. Similarly, the World Conference on Human Rights, held in Vienna in 1993, reiterated the lasting value of those principles, considering them as the very foundation of the United Nations. Human rights, its declaration said, are " universal, indivisible and interdependent and interrelated."

To ensure that the Declaration's principles would be translated into action, the UN established a Division of Human Rights in 1946. In 1982, the Centre for Human Rights was created as the focal point for the UN in the field of human rights, with responsibility for supporting the UN organs concerned with human rights, for following up on and reporting on the implementation for human rights, and for research, studies, information and publications. Increasingly, the Centre is undertaking programmes of advisory services and technical assistance. Such programmes are currently under way in about thirty countries, and there are now UN Human Rights field offices as part of a larger UN presence with a further currently being planned in ten countries. The Centre provides the secretariat for the Commission on Human Rights, whose fifty-three members meet annually in Geneva. The Commission carries out its work of monitoring, assessing and reporting through a system of working groups, special rapporteurs and experts. Currently, there are almost thirty special rapporteurs, some concentrating on the situation of human rights in particular countries, and some dealing with themes such as freedom of opinion and expression, torture, summary and extrajudicial execution, and violence against women.

Another milestone was reached in 1993, when the General Assembly created the post of High Commissioner for Human Rights. In 1997, the High Commissioner's office and the Centre for Human Rights were brought together as the Office of the High Commissioner for Human Rights, unifying the UN's resources in the human rights field. In the programme of United Nations reform set in motion by the Secretary-General last year, human rights was acknowledged as a cross-cutting issue – one which could not, and must not, be segregated from the other great issues of peace, security, co-operation and development. Thus, the High Commissioner participates in the work of the four main Executive Committees: peace and stability; humanitarian affairs; economic and social affairs; and development; and is a member of the Senior Management Group chaired by the Secretary-General. A major priority for the High Commissioner is to forge stronger links between her Office and other parts of the United Nations family, including the World Bank and the IMF, to ensure that human rights issues figure on the agendas of all the agencies of the UN system, and to learn from their experience. Several of the specialised agencies and other bodies already have significant achievements in the field of human rights to their credit – they include the International Labour Organisation, UNICEF, UNESCO, the FAO and WHO. Examples: ILO: standard-setting in labour practices, right to organise; UNICEF: rights of the child; ILO/UNICEF: child labour; WHO: HIV/AIDS and right to non-discrimination. In the

case of UNHCR, the two High Commissioners – Refugees and Human Rights – work closely together. Mrs. Ogata addressed the Commission on Human Rights in March of this year, recalling the lasting significance of the Universal Declaration in UNHCR's continuing task of upholding the human rights of the millions of refugees around the world.

Even in the most complex and apparently intractable political situations, the Universal Declaration continues to be the model to which politicians and peacemakers aspire. The example of Cambodia is instructive. By the late 1980s, the people of Cambodia had endured decades of violence and disruption. The causes were multiple but the effects the same: great human suffering, the destruction of society, and an atmosphere where even the most fundamental right – the right to life - had been set aside and had no value. Some – perhaps many - would argue that the UN itself failed to honour its obligations towards the people of Cambodia. In 1989, ten years after the first Security Council debate on Cambodia, the Paris Conference on Cambodia was convened: in 1991, the Peace Agreements were finally signed, with the UN acting as a witness.

The text of the Agreements brings us back once again to the Universal Declaration of Human Rights. Article 15 of the Agreements insists that all the people of Cambodia "shall enjoy the rights and freedoms embodied in the Declaration", and spells out the obligations of Cambodia and of the other signatories of the agreement to ensure that this is made a reality. Laying down principles for a new constitution for Cambodia, the Agreement stipulates that the Constitution must contain a declaration of fundamental rights consistent with the provisions of the Declaration. Thus, Chapter III of the 1993 Constitution of the Kingdom of Cambodia draws directly on the Universal Declaration for its spirit and its language in setting out the rights and obligations of the people of Cambodia.

Other articles of the Peace Accords provide the bridge between theory and practice, requiring the UN Transitional Authority in Cambodia (UNTAC) to foster an environment in which "respect for human rights shall be ensured". They also call on the UN Commission on Human Rights to continue to monitor closely the human rights situation in Cambodia after the end of the transitional period.

This comprehensive approach to upholding human rights was emphasised by the Secretary-General, when he told the Security Council that "all UNTAC staff would be charged with carrying out human rights functions, as an integral part of their primary duties". On a practical level, this commitment led to the creation of the Human Rights component in UNTAC. When the Human Rights component began its work in Cambodia, it was against the background of years of violence and brutality, and an almost total lack of understanding of the meaning of public or private accountability or of civil society. Despite this and despite its shortage of resources, the component carried out a wide range of activities energetically and with considerable success: human rights education and training were provided to police,

judges, defenders and tens of thousands of civilians ; emerging non-governmental organisations were supported and encouraged ; human rights violations, including the ethnic and political killings in the period before the 1993 elections, were investigated ; prison conditions were monitored, leading to significant reforms; and Cambodia acceded to all the major human rights instruments. At the end of UNTAC's mandate, the UN Centre for Human Rights in Phnom Penh was established to carry on the work of the component and the Secretary-General appointed a Special Representative for Human Rights in Cambodia.

Now in its fifth year of existence, the Cambodia Office of the High Commissioner for Human Rights (as the UN Centre for Human Rights is now known) currently has about fifty staff and maintains six offices in the provinces of Cambodia. It carries out a considerable range of activities, largely following the lead given by the Human Rights component: human rights education and training at all levels, from the introduction of human rights concepts into school curricula and teacher training, through to the teaching of human rights law as part of the university curriculum ; an extensive programme of training of police and army ; support to national human rights institutions and NGOs ; assistance with reporting on the human rights treaties to which Cambodia has acceded, and with the drafting of legislation in the field of human rights and assistance to the administration of justice. In carrying out its programme, the Office relies greatly on the network of human rights NGOs who have a presence throughout the country. They are our partners in training, education, monitoring and investigation. Their network reaches into parts of the country and levels of society which our limited resources can never reach. They are truly the first link in the chain which connects the individual whose rights have been violated with the prospect of redress.

In addition, the Office supports the work of the Special Representative. His mandate, carried out through several extensive visits to the country each year, is to maintain contact with the government and people of Cambodia, and to assist the government in the promotion and protection of human rights in Cambodia. In support of this mandate, the Office monitors all aspects of the human rights situation in Cambodia, and collects and analyses information about human rights violations. Limited resources mean that monitoring and investigation activities are concentrated on violations involving violence. The information collected is shared with the Government of Cambodia and, where appropriate, with the international community through the reports which the Special Representative makes each year to the General Assembly and to the Commission on Human Rights. Currently, the Office's focus is on monitoring the human rights situation in the run-up to the election to be held at the end of July.

The Office carries out its work in close collaboration with a range of partners, both within and beyond the United Nations system. In addition to co-operation on broad issues relating to the rights of refugees, an active partnership relating to the provision of protection for individual asylum-seekers exists with UNHCR in

Cambodia and in neighbouring countries. In addition, the Office of the High Commissioner works to ensure that the human rights of returned refugees are respected, and that they participate fully in programmes of human rights education and training provided to established populations. We all acknowledge the great gap which remains between the language of the Declaration and everyday reality for millions of people around the world.

As these few words may show, I believe that the bright light shed by the simple words of the Universal Declaration on Human Rights continues to illuminate and influence the thinking and the lives of all of us who seek to defend human rights. I am convinced that the best way to commemorate and celebrate the Declaration is to be guided by that light, and to accept the challenge of translating the Declaration's inspiration into action, as we try to do in our daily work in Cambodia. No complacency is possible in the field of human rights: we are all – governments, NGOs, international agencies and individuals -- reminded constantly how much remains to be done to ensure that the Declaration's perennial principles are honoured. Nevertheless, our commitment must be clear -- to continue to strive towards that essential – and elusive - "common standard of achievement" set by the Declaration.

Thank you.