

Human Rights Day  
10 December



# HUMAN RIGHTS DAY, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE UNITED NATIONS

Human Rights Day is celebrated every year on 10 December to mark the anniversary of the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. It is an encouragement to us all to remember the vision for a world in which all people enjoy rights and freedoms without discrimination that was encapsulated in the Declaration. Human Rights Day is a time to celebrate how much has been achieved in bringing this vision to reality, and to reflect upon how much remains to be done.

## The United Nations and the UDHR

The United Nations was founded in the wake of the human rights atrocities perpetrated by Nazi Germany. It was conceived as the peak body for international peace and cooperation. One of its key goals, as written in the Preamble of its Charter, is:

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

The broad guidelines for achieving this goal were laid out in the 1948 Universal Declaration of Human Rights. The Declaration represented a common agreed statement of goals and aspirations and in its 30 articles describes the fundamental rights and freedoms to which all people are entitled. These include the right to life; freedom from slavery, torture and arbitrary arrest; freedom of thought, opinion and religion; the right to a fair trial and equality before the law; the right to work and education; and the right to participate in the social, political and cultural life of one's country.

The Declaration, as it is not a treaty, does not directly create legal obligations for countries. However, it is an expression of the fundamental values which are shared by all members of the international community and has had a profound influence on the development of international law.

## United Nations treaties

States are legally bound in international law to protect and promote human rights through the United Nations' system of human rights treaties. A treaty is a written, international agreement between states which, once countries have signed and ratified it, becomes part of international law. Once a country has ratified a treaty, they then become a "party" to the treaty agreeing to be bound by the treaty and enshrine the principles of the treaty into their domestic law.

Following the United Nations General Assembly's adoption of the Universal Declaration, it was decided that there should be two treaties to accompany it, which document more explicitly the rights outlined in the Declaration. These two covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), alongside the Universal Declaration of Human Rights, are known collectively as the International Bill of Rights.



The ICCPR includes the right to freedom of thought and religion, the right to a fair trial and freedom from torture and slavery.

The ICESCR includes the right to work, fair wages and safe working conditions, freedom from hunger and the right to education.

More human rights treaties (or conventions) have been negotiated since the adoption of the Universal Declaration and the ICCPR and ICESCR. In these, our basic rights and freedoms are outlined in more detail in relation to specific circumstances or the particular situations of people whose human rights are at risk – including children and women. Some examples of United Nations human rights treaties, to which Australia is party, are:

- The International Convention on the Elimination of All Forms of Racial Discrimination
- The International Convention on the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

#### “Signing”

When a country signs a treaty, it agrees in principle to the treaty, but cannot be held to account by the obligations laid out in the treaty

#### “Ratifying”

When a country ratifies a treaty, the obligations in that treaty can be enforced against that country at the international level. Also, depending on how that country incorporates the treaty obligations into its domestic law, those obligations may be enforced against it by its citizens at the domestic level.

## Protecting human rights through the United Nations

The United Nations system has two main types of bodies to promote and protect human rights:

**Charter Bodies** are established under the UN Charter in order to fulfil the UN’s general purpose of promoting human rights. They have broad mandates that cover promoting human rights in all UN member states. For example, the Office of the United Nations High Commissioner for Human Rights (OHCHR) works to prevent human rights violations and secure respect for human rights by promoting international cooperation and coordinating the United Nations’ human rights activities.

**Treaty Bodies** have responsibility for monitoring and promoting compliance with a particular human rights treaty. As such they are only concerned with countries that are a party to that treaty. The Committee on the Elimination of Racial Discrimination, for example, monitors compliance with the International Convention on the

“We encourage all governments to fulfil their responsibilities as members of the United Nations, recognising it as the peak forum for discourse between nations, and upholding their commitment to the UN’s Charter and to UN treaties that serve the forging of peaceful and non-exploitative international relations.”

*Dignity in Humanity: Recognising Christ in Every Person,*  
Eleventh Assembly (July 2006)