

High-Level panel discussion on the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action

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Title: Celebrating the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action: a call to preserve the universality of Human Rights.

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the High-Level panel discussion on the 70th anniversary of the Universal Declaration of Human Rights, and the 25th anniversary of the Vienna Declaration and Programme of Action.

The 1948 Universal Declaration of Human Rights was written and adopted following World War II and the full realization by the international community of the Holocaust and the monstrous crimes against humanity that were perpetrated at that time. Being adopted by the General Assembly "as a common standard of achievement for all peoples and all nations", it represents an ethical consensus on the rights to which all human beings are entitled and on the obligations of governments to ensure that these rights would be respected.

The Declaration gives a vision of and desire for a future world of peace and freedoms and stands firmly for human dignity, liberty, equality, and non-discrimination.

With no dissenting votes, the member states, coming from all regions, affirmed the inherent dignity of the human being, the rule of law over the rule of force, and placed the well being of the individual at the centre of international law.

This historic document has inspired international treaties and conventions such as the ICCPR<sup>1</sup> and ICESCR<sup>2</sup>, which have acquired increasing authority through incorporation into national legal systems, and continues to be the foundation for the development of other international legal instruments.

The Vienna Declaration and Programme of Action adopted by consensus at the World Conference on Human Rights, on June 25, 1993, reaffirmed the principle of the universality of human rights by saying that "all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis".<sup>3</sup>

Moreover, the declaration forged a consensus on the Right to Development – for the first time – as a universal and inalienable human right and an integral part of all human rights.

Since the adoption of these two fundamental declarations, there has been tremendous progress in the field of human rights throughout the world.

However, we must recognise that there is a great gap between the universal human rights standards of the Universal Declaration as well as subsequent legal instruments on the one hand, and their implementation on the other hand.

We are living in times of rising populism, racism and xenophobia fuelled by fear and a sense of insecurity; we live in times of raising conflicts and threats of a nuclear war.

Human rights are more often violated than respected and those violations are frequently justified in a manner contrary to the basic principles of the Declaration and of international human rights law.

Today, many fundamental rights continue being violated everywhere, starting from the right to life, including the right to life of the unborn child, the right to liberty and personal security, the right to freedom of association and assembly, the right to freedom of thought, conscience and religion. Moreover, millions of people are still denied their economic, social and cultural rights such as, inter alia, the rights to health, food, decent work, water and sanitation and adequate housing.

We are living in times of increased migratory flux, where the human rights of migrants are very often violated; in times where there is an increase in the number of internally displaced persons because of conflicts, climate change and

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<sup>1</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

<sup>2</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993

<sup>3</sup> UN General Assembly, Vienna Declaration and Programme of Action, 12 July 1993, A/CONF.157/23

famine; we are living in times where the phenomenon of human trafficking with new forms of slavery creates more and more victims, in times where we assist to the shrinking of the civil society space at the UN and a resurging of reprisals against human rights defenders.

Furthermore, after 30 years from the adoption of the Declaration on Right to Development, the peoples of the world are still waiting for the implementation of this fundamental right.

On the other hand, we are living in times of great opportunities for the international community to reaffirm the vision of the UDHR and of the Vienna Declaration because of the adoption in 2015 of the 2030 Sustainable Development Agenda and the current debate to reach a consensus in the formulation of the two global compacts, the one on Safe, Regular and Orderly Migration and the one on Refugees.

Furthermore, on 19 December 2016 the General Assembly adopted the declaration on the right to peace<sup>4</sup> scoring another important step for the progress of the human family towards the awareness that human rights, development and peace are strictly linked and mutually reinforcing.

We share the concern of Pope Francis that recently said in his address to the Diplomats<sup>5</sup> “...It should be noted, however, that over the years, particularly in the wake of the social upheaval of the 1960’s, the interpretation of some rights has progressively changed, with the inclusion of a number of “new rights” that not infrequently conflict with one another. This has not always helped the promotion of friendly relations between nations, since debatable notions of human rights have been advanced that are at odds with the culture of many countries; the latter feel that they are not respected in their social and cultural traditions, and instead neglected with regard to the real needs they have to face. Somewhat paradoxically, there is a risk that, in the very name of human rights, we will see the rise of modern forms of ideological colonization by the stronger and the wealthier, to the detriment of the poorer and the most vulnerable. At the same time, it should be recalled that the traditions of individual peoples cannot be invoked as a pretext for disregarding the due respect for the fundamental rights proclaimed by the Universal Declaration of Human Rights.”

Indeed, there is a risk of selectivity of human rights by some countries in name of a strenuous defence of traditions that are not respectful of them, and by other countries, especially the Western and wealthier ones, in name of the current culture that exacerbates individualism. A clear example of this is the actual polarised and politicised debate in the Human Rights Council on some critical issues such as the protection of the family, a concept clearly stated in the Universal Declaration on Human Rights<sup>6</sup>, on the new debated notion of gender, on the advancement of the so called “sexual reproductive rights” that may conflict with other rights or in the politicisation of the implementation of the right to development.

The 70th anniversary of UDHR provides the opportunity to “ask not only how the Universal Declaration of Human Rights can protect our rights, but how we can suitably protect the Declaration”.<sup>7</sup> The first way to protect the Declaration is by no casting doubt on the universality, or even existence, of certain basic principles since it would be equivalent to undermining the whole edifice of human rights.

The UDHR states in article 28 that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”. This article is a clear call for social justice in the world.

Furthermore, the Declaration says that the 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.

Consequently, freedom, justice and peace would be possible only if the peoples of the world and nations recognise, first of all, the notion of being a human family and act towards one another in a spirit of brotherhood.<sup>8</sup>

The Vienna Declaration affirms in its preamble that member states are “determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity”.

APG23 is convinced that a crucial new step to honour the spirit of the UDHR and advance the respect of all human rights is to develop the principle of solidarity into the right to international solidarity, a right that is very much needed nowadays for the safeguard of the human dignity and the respect of the principle of equality.

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<sup>4</sup> General Assembly resolution, 71/189, Declaration on the Right to Peace, A/RES/71/189 (19 December 2016)

<sup>5</sup> Address of His Holiness Pope Francis to the Members of the Diplomatic Corps accredited to the Holy See for the traditional exchange of New Year greetings, 8 January 2018

<sup>6</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), article 16 (3)

<sup>7</sup> Quote from the address of Mr Kofi Annan to the Human Rights Commission, Geneva, 23 March 1998.

<sup>8</sup> UN General Assembly, Universal Declaration of Human Rights, article 1

In this regard, we welcome the draft declaration on the right to international solidarity<sup>9</sup>, and hope that it will be soon adopted by the General Assembly.

The recognition of the right to international solidarity will be a litmus test of fraternity and solidarity among the family of nations over and above any political divisions or geographical borders. It would represent a new instrument to face the complexity of global problems, to preserve the universality of the human rights as well as the unity of the system, and to improve the implementation of all the other human rights.

As the years pass, let us make sure that the UDHR is not just a monument to be admired or document to be archived but rather the foundation pillar upon which human rights law and instruments should be further developed!

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<sup>9</sup> A/HRC/35/35