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The Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations → General Assembly on 10 December 1948 with 48 votes in favor, none against and 8 abstentions (UN Doc. A/RÉS/217 (III)), is considered one of the most important documents of the twentieth century. The Declaration has had a fundamental influence on the constitutions of numerous states, as well as on the further development of international law (→ International Law and the UN). This great influence may tend to obscure the fact that the Declaration itself has been a stage in a more comprehensive intellectual and political process, whose origins date back to before the foundation of the United Nations (→ History of the Foundation of the UN), or even the beginning of the Second World War. Therefore the appreciation of the Declaration should also include those groups of people and committees who engaged themselves since the early 1920s – sometimes under difficult circumstances – not only for the revival of the concept of → human rights, but who also paved the way – and that was indeed something new – for the development of the international protection of human rights (→ Human Rights, Protection of), a way along which the Declaration was to become one of the most important milestones.

1. Initiatives for an International Protection of Human Rights

In the first half of the 20th century there were several distinct efforts to place the protection of human rights on the international agenda: A first initiative took place in the framework of two institutes of international law – the Académie Diplomatique Internationale and the Institut de Droit International –, where first and foremost two persons were engaged in particular: André Mandelstam and Antoine Frangoulis. Shocked by the severe infringements against minorities before and during the First World War, they had made it their duty to universalize the civil and human rights, which were fixed in the League of Nations treaties for the protection of minorities (→ League of Nations), thus to lay the foundation for an international system for the protection of human rights. Although immediate practical success did not occur, their drafts of human rights declarations were important preparatory works on the way to the universal protection of human rights.

A second initiative started in the mid-1930s. The background was first formed by the events in the fascist states and the streams of refugees leaving them, soon afterwards followed by the Second
The leadership of this initiative was drawn from authors, journalists and Nobel Peace Prize winners. One of the activists of that movement was Herbert George Wells (1866-1946), whose international reputation rested on several well-known novels. Together with like-minded people he drew up the elements of the postwar order, and in this context he also developed a “Declaration of Rights”, which he advocated worldwide in various articles, books and lecture tours.

The Second World War formed the background for the third initiative, as well. At its head stood a man who had not only the will, but the power as well, to raise the idea of human rights to the level of domestic politics, and soon to the level of the international politics, too: the American President Franklin D. Roosevelt. On 4 January 1941 Roosevelt proclaimed in his “State of the Union Address” his vision of a world order to come, which was based on “Four Freedoms”: freedom of speech, freedom of belief, freedom from want and freedom from fear. In the autumn of 1941 the “Four Freedoms” found their expression in the “Atlantic Charter”, which in its turn became the basis for the “Declaration By United Nations”, which was signed by 26 states on 1 January 1942 (History of the Foundation of the UN). At the same time in the USA a huge number of organizations and law institutes began their work on declarations of human rights – inter alia the American Law Institute and the Commission to Study the Organization of Peace, to name just two of many.

2. The Protection of Human Rights in the Charter of United Nations

Although the demand for the international protection of human rights rapidly gained breadth and momentum in the USA, the topic of human rights played only a subordinate role at the conference at Dumbarton Oaks, where the negotiations of the superpowers concerning the draft of the Charter of the United Nations (Charter of the UN) in fall 1944 came to their final stage.

The reserve of the Roosevelt administration regarding the international protection of human rights had two sources. On the one hand there was concern that the assignment of the international protection of human rights to an international organization – which had yet to be created – would fail because of the opposition of the US Senate, and thus probably endanger the whole project. On the other hand there were strong reservations, from the Soviet Union, and from the United Kingdom, both of which feared interference of the new international organization in their colonial policies.

If human rights, however, eventually received more emphasis in the Charter than had been intended at Dumbarton Oaks, this was principally due to the success of two groups, which together can be considered as comprising a fourth initiative: a group of states of the South, which advocated a more positive appreciation of the need for international protection of human rights, as well as a group of American non-governmental organizations (NGOs), which exerted a similar pressure on the American delegation at the founding conference in San Francisco in 1945. The inclusion of the formulation “promoting and encouraging respect for human rights and for fundamental freedoms” in Article 1 (3) of the UN Charter, which was not intended in the proposals worked out in Dumbarton Oaks, as well as the establishment of a special commission for human rights issues (Human Rights, Commission on) at the Economic and Social Council (ECOSOC), can be ascribed to those NGOs. It was also this group of NGOs, which pressed for the elaboration of an “International Bill of Rights”. These supplements were explicitly supported by states of the South, such as Brazil, the Dominican Republic, Nicaragua and India.

In a review of the stages along the way to the Universal Declaration of Human Rights, the following intermediate results can be recorded: Proposals for the creation of a system of international protection of human rights were