

# *ACPP-Hotline Asia*

## **Backgrounder on UDHR – a response to demands of human dignity**

### **Introduction**

10 December 2008 marks the 60th anniversary of the adoption of the Universal Declaration of Human Rights (UDHR), the first human rights document adopted by the United Nations (UN). The International Human Rights Day is also observed on the same day to celebrate the birth of the landmark document which recognizes the “inherent dignity and of the equal and inalienable rights of all members of the human family” (preamble, UDHR). Human rights are the foundation of justice and peace. As justice and peace workers and supporters, let us re-visit the provisions and spirit of the UDHR and promote it in our communities and network!

### **Background of the UDHR**

After the First and Second World War in the last century, with the vision of “never again” of the atrocities, the UN was established in 1945 with the purpose to promote international peace and security, friendly relationship among states, international cooperation to tackle international problems, and to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion (article 1, UN Charter). To reaffirm the faith of fundamental rights under the UN Charter, the General Assembly of the UN adopted the UDHR to spell out the aspiration and bring it to full realization through standard-setting.

The UDHR underlines the basic and common standards of human rights. The proclamation of inherent dignity and fundamental rights laid down the basis for further development of other international human rights instruments, including International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance (not yet in force) and many other declarations and principles. This reveals that the standard of human rights is evolving and developing based on the inspiration of the UDHR.

In order to achieve the full realization of human rights, standards must be complied by the states. While governments have the primary obligation to promote, protect and fulfill human rights of their citizens and all persons in their territories and within their jurisdictions, non-compliance of states is always observed. As the UDHR is a yardstick to measure the level of compliance in international human rights standards, treatment of citizens and others within a state’s jurisdiction become international concerns. Although the UDHR is not a legally-binding instrument, it is the foundation of other legally-binding human rights instruments listed above and the related mechanisms, which help to scrutinize the compliance of states. Recognizing everyone is a member of the human family with reason and conscience, international community, states, non-governmental organizations and individuals, have obligation to ensure the enjoyment of human rights at both national and international levels, especially in the time when human rights are trampled.

The UDHR consists of a preamble and 30 articles which lay down the principles of human rights and fundamental freedoms for all.

### Basic principles

Article 1: all people are born free and equal in dignity and rights

Article 2: equality and non-discrimination for all

Article 3: right to life, liberty and security of person

### Civil and political rights

Article 4: freedom from slavery and servitude

Article 5: freedom from torture and degrading treatment

Article 6: right to recognition everywhere as a person before the law

Article 7: equality before the law

Article 8: right to an effective judicial remedy

Article 9: freedom from arbitrary arrest, detention or exile

Article 10: right to a fair trial and public hearing by an independent and impartial tribunal

Article 11: right to be presumed innocent until proved guilty

Article 12: freedom from arbitrary interference with privacy, family, home or correspondence

Article 13: freedom of movement and residence

Article 14: right to asylum

Article 15: right to nationality

Article 16: right to marry and to found a family

Article 17: right to own property

Article 18: freedom of thought, conscience and religion

Article 19: freedom of opinion and expression

Article 20: right to peaceful assembly and association

Article 21: right to take part in government of one's country and to equal access to public service in one's country

### Economic, social and cultural rights

Article 22: right to social security

Article 23: right to work, equal pay for equal work

Article 24: right to rest and leisure

Article 25: right to a standard of living adequate for health and well-being; special protection to mother and children

Article 26: right to education

Article 27: right to participate in the cultural life of the community

### Concluding articles

Article 28: recognize that everyone is entitled to a social and international order

Article 29: individuals' duties and responsibilities to one's community in exercising the rights and freedom

Article 30: no state, group or person may claim right to engage in activity that aims at destruction of rights set in the Declaration

*Full text of Universal Declaration of Human Rights: <http://www.unhchr.ch/udhr/lang/eng.htm>.*

## **Application of the UDHR**

Despite the adoption of the UDHR 60 years ago, in reality, there is still a huge gap between these standards and actual practice of states, which results in widespread of human rights violations. As such, the *Asian Center for the Progress of Peoples (ACPP)* is working to raise the awareness of the networks and urge the government to adhere to the common human rights standards. Apart from revealing the injustice in the cases concerned, *ACPP* also emphasizes the obligation of states to respect, protect and fulfill human rights. "Respect" requires states to recognize rights and refrain themselves from interfering the enjoyment of rights of people. "Protect" means to prevent human rights violation by a third party. "Fulfill" means to ensure the realization of human rights; this may require the states to provide resources or adopt other pro-active measures.

The following cases illustrate how human rights are being violated and the requests to governments called by the *ACPP* to adhere to relevant human rights standards.

*Case 1: UA081117(8) - PAKISTAN*  
*Stop Gender-Based Violence against Women*

Summary

Violence against women is rampant in Pakistan. Sometimes the perpetrators are strangers, but most of the time, the violence is conducted by husbands, male relatives and friends. The 2007 Annual Report of the Human Rights Commission of Pakistan documented 4,276 cases of violence against women, including 73 rape, 636 honour killing, 736 kidnapping cases. It is believed that the number was just the tip of the iceberg.

A lack of law enforcement and the presence of discriminatory laws are two major factors intensifying the abuse to women along with the discrimination imbedded in people's cultural life. These problems must be tackled in order to ensure full protection to women.

For more information of the case, please refer to [UA081117\(8\)](#).

Human rights violations observed

Human rights are universal, indivisible and interdependent and interrelated. A violation of a certain right may lead to the collapse of the others. In this case, several rights are being infringed:

- non-discrimination (article 2): the violence against women is imposed on the basis of sex and gender stereotyping. Besides the cultural values, legislation also breached of gender equality. Law of Evidence is discriminatory as a woman's testimony is considered as half of a man's testimony in civil and criminal procedures.
- right to life and liberty (article 3): honour killing is an act of deprivation of life. The government fails its obligation to protect lives of the citizens with a lack of law enforcement and failure in criminal and judicial justice.
- freedom from torture and degrading treatment (article 5): domestic violence and chopping cause physical and mental harm to women. The tolerance of government to these violence is a breach of article 5.
- equal protection by the law (article 7): instead of protecting women, Hudood Ordinances and the Qisas and Diyat Law discourage women to bring the perpetrator to justice and thus encourage the repetition of the violence.
- right to effective remedy (article 8): due to lack of law enforcement, victims of gender-based violence cannot claim the remedy, including, effective investigation, punishment of the perpetrator, compensation, etc.
- right to marriage (article 16): the practice of child marriage and Watta Satta, a tribal custom in which brides are traded between two clans, violate principle of marriage with free and full consent.
- right to participate in cultural life (article 27): the gender-based violence as punishment to women's "deviant acts" deters women's participation in cultural life.

Requests from ACP

Although the violence is inflicted by private individuals or groups, Pakistani government has responsibility to put an end to the physical, cultural and structural violence, i.e. government's obligation to respect, protect and fulfill human rights. As such, in response to the gender-based violence in Pakistan, ACP issued an *Urgent Appeal* to urge the Pakistani authorities to:

- repeal all discriminatory laws against women, especially the Hudood Ordinances and the Qisas and Diyat Law;
- include recommendations by civil society organizations of Pakistan in the drafting of the Domestic Violence against Women Bill;
- provide adequate protection, medical and legal assistance for victims of gender-based violence;
- promote gender equality through education, conducting and publicizing research on violence against women; and
- withdraw the reservations to Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and ratify the optional protocol to CEDAW.

## Case 2: UA081003(6) - INDIA

### Protect Land Rights and Livelihood of Adivasis and Dalits at Chengara

#### Summary

Around 7,000 families, approximately 24,000 members from different parts of Kerala state of India, are living in makeshift tents at Chengara village in Pathanamthitta district, demanding land for survival from state government.

Dalits, Adivasis and other marginalized and landless people have been struggling since 4 August 2007 to demand land from the government, which is illegally occupied by a rubber plantation company, Harrison Malayalam Plantation Company Ltd, for livelihood.

The struggle continued for a year, with no positive response from the government. Moreover the landless people, mostly Adivasis and Dalits engaged in the Chengara struggle, are being threatened by the labor unions and company management to evict them forcibly with the tacit support of the government. Due to the road blockade by labor union members, transportation of medicines, food and other essential commodities to the campsite has been stopped.

For more information of the case, please refer to [UA081003\(6\)](#).

#### Human rights violations observed

Similar to the case of violence against women in Pakistan, human rights are abused in different aspects.

- right to life and security of person (article 3): protestors are attacked, and threatened;
- freedom of expression and right to assembly (article 19, 20): threats to security discourage freedom of expression and right to assembly;
- right to decent living for health and well-being (article 25): without land for cultivation, the Adivasis and Dalits do not have means of living and cannot attain an adequate standard of living for themselves and their families. Road blockade set by labor union members, which stop transportation of medicines, food and other essential commodities also threaten right to health and food.

#### Requests from ACPP

Even though the violations are not directly attributed to actions of the Indian government, it has failed its obligation to protect and fulfill human rights of the citizens. Concerning the multi-dimensional of human rights violations, ACPP called on the Indian government to:

- ensure food, medicines and other basic needs are supplied to the Adivasis and Dalits camping at Chengara;
- stop the atrocities against those involved in the struggle, perpetrated by the company's plantation workers' union affiliated to the ruling political party; and
- take back the land which have been unlawfully occupied by the plantation company and distribute it to the landless Dalits and Adivasis.

## **Christian Foundation of Human Rights**

### What does the Church say about the UDHR?

The UDHR spells out the commitment of states to protect and promote human rights listed in the document. Based on Christian foundations and teaching, the Church also plays part in recognition and proclamation of human rights, as well as its commitment through teaching and guidance in concrete actions, which further ensures effective promotion of the spirit of the UDHR.

Chapter Three: The Human Person and Human Rights, of the [Compendium of the Social Doctrine of the Church](#) ("Compendium"), Section IV on Human Rights, gives a glimpse of what the Church says about the UDHR and its relevance to the proclamation of Christian foundations of human rights.

*“The movement towards the identification and proclamation of human rights is one of the most significant attempts to respond effectively to the inescapable demands of human dignity.” [Compendium 152]*

On the **value of human rights**, the Church notes the positive value of the UDHR, which the late Pope John Paul II defined as “a true milestone on the path of humanity’s moral progress” and the “highest expression of human conscience of our time” (Pope John Paul II’s address to the General Assembly of United Nations, 1979).

Human rights correspond to the demands of human dignity and entail the fulfillment of the essential needs of the person in material and spiritual spheres. They apply to every stage of life and to every political, social, economic and cultural situation. The integral promotion of every category of human rights is the true guarantee of full respect for each individual right (Pope John Paul II’s Message for the World Day of Peace 1999).

#### Compendium and UDHR articles

The Compendium (paragraph 155) also articulates the concept of human rights as listed in the Encyclicals, [Centesimus Annus](#) and *Evangelicum Vitae*; explicit recognition of these rights is necessary. Some of the listed rights directly correspond to some articles in the UDHR:

“Among the most important of these rights, mention must be made of the right to life [[UDHR article 3](#)], an integral part of which is the right of the child to develop in the mother’s womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child’s personality; the right to develop one’s intelligence and freedom in seeking and knowing the truth [[article 26](#)]; the right to share in the work which makes wise use of the earth’s material resources, and to derive from that work the means to support oneself and one’s dependents [[article 23](#)]; and the right freely to establish a family, to have and to rear children through the responsible exercise of one’s sexuality [[article 16](#)]. In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one’s faith and in conformity with one’s transcendent dignity as a person [[article 18](#)].” (Centesimus Annus 47)

Emphasis is given to the paramount value of the right to religious freedom. The respect of this right is an indicative sign of “man’s authentic progress in any regime, in any society, system or milieu.” (Redemptor Hominis 17)

In addition, the complementarity of rights and duties [[UDHR article 29: everyone has duties to the community](#)] is mentioned in the Encyclical, *Pacem In Terris*: each right corresponds to a duty of acknowledging and respecting the right in question.

#### Rights of peoples and nations

The Church also expresses the social dimension of human rights, as well as its implication.

The field of human rights has expanded to include the rights of peoples and nations: in fact, according to Pope John Paul II’s letter on the occasion of the 50<sup>th</sup> anniversary of the outbreak of WWII, 1989, “what is true for the individual is also true for peoples.” Moreover, rights of nations are “human rights fostered at the specific level of community life”.

The Magisterium points out that international law “rests upon the principle of equal respect for States, for each people’s right to self determination and for their free cooperation in view of the higher common good of humanity.

It implies that while a nation has a fundamental right to existence, to its own language, culture, shape its life according to its own traditions, to build its future by providing an appropriate education for younger generations, the international order requires a balance between particularity

and universality, which all nations are called to bring about, for their primary duty is to live in posture of peace, respect and solidarity with other nations [Compendium 157].

#### Filling the gap between the letter and the spirit

According to paragraph 158 of the Compendium, the Centesimus Annus acknowledges the gap between the solemn proclamation of human rights and the reality of violations and related violence. Even in countries with democratic forms of government, these rights are not always fully respected. Some examples cited were new forms of slavery, exploitation of workers, illegal drug trafficking, etc. The gap is often attributed to a merely formal recognition of rights, as well as the loss of ability to see issues or make decisions aimed at the common good. To overcome this demands a correct understanding of the dignity and the rights of the person [Gaudium et Spes 26].

The Church's social doctrine, in consideration of the privilege accorded by the Gospel to the poor, teaches that "the more fortunate should renounce some of their rights so as to place their goods more generously at the service of others" [Octogesima Adveniens 23]. Concrete mechanisms and structures need to be effectively implemented to ensure these teaching are practiced by the faithful.

As the Church's religious mission includes the defence and promotion of human rights (Centesimus Annus 54), it holds in high esteem the dynamic approach of today to foster these rights (Gaudium et Spes 41). This pastoral commitment develops in a two-fold direction (the Church and Human Rights):

- proclamation of the Christian foundations of human rights and
- denunciation of the violations of these rights.

In any event, "proclamation is always more important than denunciation, and the latter cannot ignore the former, which gives it true solidarity and the force of higher motivation." [Sollicitudo Rei Socialis 41]

"Proclamation" refers to promotion of values and rights, attempting to prevent (or reduce) violations and protect rights. "Denunciation" refers to the response after the rights have been violated – it is always necessary to speak out to ensure proper remedy and justice, in order prevent repetition of the violations.

For greater effectiveness, this two-fold pastoral commitment must be open to ecumenical cooperation, to dialogue with other religions, to all appropriate contacts with other organizations, governmental and non-governmental, at the national and international levels [Iustitiam et Pacem, 1976]. The Church should be more active and visible in implementing this commitment through concrete measures and actions, and in mobilizing and guiding its members to do the same.

"The promotion of justice and peace and the penetration of all spheres of human society with the light and the leaven of the Gospel have always been the object of the Church's efforts in fulfillment of the Lord's command." [Iustitiam et Pacem, 1976]

## **Conclusion**

The road to achievement of the vision, commitment and highest aspiration of the UDHR, based on the belief of inherent dignity of a person has gone a long way in the past 60 years, in terms of recognition of rights and establishment of various mechanisms and redress system, as well as rise of civil society and activists.

Yet, we cannot deny that human rights violations and disrespect for human dignity continues, in even greater scale and diversified forms. Many of these can be traced to a decline in respect for dignity of human person, reflected in the idea that their rights need not be recognized or protected. Education, awareness or animation programmes are apparently not strong enough to promote and

guide people, especially the younger generation about respect and recognition of rights of others, and how to respond to such violations on the self and on others.

In a way, it reflects the limited success of the members of UN to “publicize the text of the Declaration to cause it to be disseminated, displayed and read in schools and other educational institutions.” In spite of the rapid development of information and communication technology, that is supposed to facilitate the dissemination, something has gone wrong in the process and in promotion of the true value of human rights. Exposure to events and issues in other countries through the internet is not the same as exposure to the real situation and contact with the persons affected. The mobilization to solidarity action is also affected by this.

Definitely, the UDHR cannot stand alone in achieving its vision. There is a need for cooperation and coordination among various parties in terms of structures and policies, as well as support and action of the individuals, concern groups and the general public. The fact that it is to be “universal” means that we recognize it to be for all, and we have duties to ensure not only ourselves, but also others in different countries have such rights and in case we see any violations, it is our duty to ensure they are remedied.

We can see that the Church, through its social teaching, resonates some of the UDHR values and goes on further to explain the Christian basis, expand to a wider scope in terms of extension of some rights to a higher motivation, as well as provide guidance and principles for taking action and the importance of cooperation and collaboration.

Now the question is what to do with this important tool and how to concretely contribute to achieving its vision. Following are some simple actions which can promote human dignity at different levels:

- **At the individual/organizational level:** learn more about the rights proclaimed in the UDHR and share the learning with others; learn about other human rights instruments to enable us to defend others’ rights more effectively; support groups which are promoting human rights, as well as those who request our support to condemn human rights violations; exercise the right to take part in the government through chosen representatives.
- **At the national level:** look at human rights protection at the policy level, monitor any legislations that violates human rights and prevent unjust laws from being enacted.
- **At the regional/international level:** exchange and facilitate information on human rights violations, human rights tools and human rights appeals with the worldwide network for awareness and possible solidarity action, support such actions and appeals.

#### Your action is needed

One of the concrete ways to participate in promotion of human rights is international solidarity action. *ACPP*, through its *Hotline Asia* project, responds to special cases of injustices in Asia through advocacy and issuing *Urgent Appeals (UA)* to call for solidarity support of its network to urge duty-bearers, such as government officials or other persons of influence, to fulfill their obligation to respect, protect and fulfill human rights of marginalized peoples.

However, no matter how well the appeals are written, the cases will not be resolved nor can there be any change in situation unless there is support of the international network who actually write letters or publicize the violations, as well as corresponding local efforts.

*ACPP* is happy to reflect that, thanks to the support and action of dedicated *UA* recipients, in some cases, responses have been received from the diplomatic representatives of violating countries, showing their concern on receiving letters from foreigners. In other cases, international exposure, coordinated with local actions, have directly made improvements on the condition.

Your support is needed for all the *Hotline Asia’s Urgent Appeals*. Please go to [www.acpp.org](http://www.acpp.org) or subscribe to *UA* through [hotline@acpp.org](mailto:hotline@acpp.org)

ACPP also supplements the UAs through other advocacy and education activities, such as thematic background papers related to UAs, social concern notes and online training on the Rights-Based Approach (RBA), as well as national and regional training programmes/workshops on human rights and the Catholic Social Teaching as basis for justice and peace work. Please check the web site for more information and participation.

## Online Resources

### Universal Declaration of Human Rights (English version)

<http://www.unhcr.ch/udhr/lang/eng.htm>

- To learn more about the first human rights document, please read the original text.

### Human Rights Instruments

<http://www2.ohchr.org/english/law/>

- This page provides links to all United Nations human rights instruments, such as the International Bill of Human Rights, the core International Human Rights Instruments and their monitoring bodies.

### Human Rights Education Materials

- Human Rights Fact Sheet Series, United Nations High Commissioner for Human Rights  
<http://www.unhcr.ch/html/menu6/2/sheets.htm>
- UDHR in plain language  
<http://www.ohchr.org/Documents/Publications/ABCannexesen.pdf>
- Cyber School Bus, United Nations  
<http://cyberschoolbus.un.org/>
- Learn about Human Rights, Amnesty International  
<http://www.amnesty.org/en/human-rights>
- Know your rights 2008  
<http://html.knowyourrights2008.org/>
- Equitas (International Centre for Human Rights Education)  
<http://www.equitas.org/english/ed-manuals/intro.php>
- Campaign materials (UDHR, Information kit, brochures and posters)  
<http://www.un.org/events/humanrights/udhr60/campaign.shtml>

### Suggestion for participation and action

- UN system-wide advocacy campaign  
<http://www.ohchr.org/EN/UDHR/Pages/60UDHRIntroduction.aspx>
- The campaign aims to increase knowledge and awareness of human rights among the largest number of rights holders so that they can claim and enjoy their rights. Many governments, civil society, educational, cultural and human rights institutions have taken the opportunity during 2008 to reaffirm their commitment to the values and principles of the UDHR and to disseminate information about the Declaration.
- Includes a human rights information kit with a summary of events that took place worldwide in 2008 to mark UDHR's 60<sup>th</sup> anniversary; "Stories on Human Rights" films, and useful tools and contacts.
- Plan your own celebration, United Nations  
<http://www.un.org/events/humanrights/udhr60/plan.shtml>
- Includes a list of actions suggested for government officials and local authorities, for businesses, media, schools and universities, and the civil society.
- Every Human Has Rights  
<http://www.everyhumanhasrights.org/>
- Human Rights Watch  
<http://www.hrw.org>

- Amnesty international  
<http://www.amnesty.org.hk/html/>

**Sources:**

*Universal Declaration of Human Rights*

*Fact Sheet No. 2 (Rev. 1): The International Bill of Rights, UN Office of High Commissioner for Human Rights*

*Case and Materials in International Law by Martin Dixon & Robert McCorquodale*

*Compendium of the Social Doctrine*