

The Universal Declaration of Human Rights and other human rights instruments

Resource sheet

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948. It is the basis for human rights protection and promotion around the world and has been endorsed by all countries. Many countries have included its provisions in their basic laws or constitutions.

Those who drafted the Declaration had very much in mind the extreme human rights violations that had been perpetrated during World War II and the preceding years. The United Nations was all about promoting a better world through international co-operation, including in the field of human rights. In adopting the Declaration, the United Nations emphasised the inherent dignity of every person and that recognition of human rights was the basis for freedom, justice and peace. It called on governments and individuals to promote respect for human rights through education and government policies.

The Universal Declaration is a powerful and eloquent statement, setting standards that provide a framework for human rights supporters to call human rights violators to account. In its own words, it is

‘... a common standard of achievement for all peoples and all nations ...’

The rights set out in the Universal Declaration cover not only civil and political rights, which protect individuals from government abuse of power, but also economic, social and cultural rights, which are the basis for adequate standards of living that will ensure human dignity.

The existence of the Universal Declaration by itself does not mean that human rights violations do not continue to occur. Some countries are ruled by dictatorships, people are tortured and killed and there is discrimination and vilification. Some individuals are victims of poverty, unemployment, ill health and lack of educational opportunity. Nevertheless there has been much progress since 1948. There is widespread recognition of what human rights are, due largely to the existence of the Universal Declaration and other United Nations human rights standards.

The Universal Declaration has great moral force and standing and the standards it sets out have come to be the basis for much of the development of human rights law that has followed.

International human rights standards that are legally binding are in the form of agreements between different countries of the world. These agreements, or ‘treaties’, are worked out by representatives of governments sitting down together at the United Nations to discuss ideas and wording that all can agree on. Human rights treaties are usually called ‘conventions’ or ‘covenants’.

After adopting the Universal Declaration, the United Nations went on to draft two major treaties that elaborated on the provisions of the Universal Declaration in a way that made them legally binding on countries that agreed to become parties to them. The two treaties were the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). They were adopted by the General Assembly in 1966.

When countries ratify a treaty, they take on a solemn obligation to observe the provisions of that treaty. In the case of major human rights treaties, the obligations include regular reporting to and scrutiny by, UN human rights bodies. Each country has an interest in maintaining a rule-based international system because they don’t want others to break the rules. While there are no penal sanctions, most governments do not like to be exposed to international criticism for failing to observe human rights standards.

In Australia’s case, there is usually a substantive review of legislation and practice before ratifying a human rights treaty, to ensure that Australian law complies with the treaty concerned (though these laws can always be changed).



In some cases, the ratification of a human rights treaty has been accompanied by the passage of specific legislation to give effect to the treaty. The Race Discrimination and Sex Discrimination Acts are examples.

More information on international human rights law can be found on the *Human Rights Explained* fact sheets at http://www.humanrights.gov.au/education/hr_explained/index.html.

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