

HISTORICAL FACT

While William Lloyd Garrison was campaigning against slavery and for human rights in the United States during the 1830s, in the Australian colonies, reformers such as Edward Smith Hall, James Backhouse, William Walker and William Ullathorne were conducting a parallel struggle for the rights of convicts and an end to convict transportation.

Research 2.1

Investigate one of the following documents to discover the rights that were promoted in it. Also consider the rights that were neglected or opposed.

- The *Magna Carta* (1215)
- The *Twelve Articles* (1525)
- The Petition of Right (1628)
- The Declaration of Independence (1776)
- The Declaration of the Rights of Man and of the Citizen (1789)
- Tom Paine's *The Rights of Man* (1792)

The Universal Declaration of Human Rights

The twentieth century was the most destructive in human history. Following the terrible devastation of World War I (1914–18), World War II (1939–45) unleashed a second wave of global suffering and death: the aerial bombing of targeted civilian populations; the **displacement** of millions of **refugees**; the ill-treatment of prisoners of war; and, most shockingly, the planned and practised **genocide** of millions of Jews, gypsies, homosexuals, mentally and physically disabled people, trade union leaders and **communists** by the fascist and **Nazi Axis** powers.

In 1941, US President Franklin Roosevelt spoke in his State of

the Union address of a post-war world built on four basic human freedoms: freedom of speech, freedom of assembly, freedom from want and freedom from fear. The Geneva Conventions (1864) and the Hague Convention (1900), governing the conduct of warfare and promoting humanitarian law globally, had not prevented the escalating atrocities. The League of Nations – established in 1919 to achieve **disarmament**, international negotiation and collective security – had also failed to curb armed conflict. Therefore, at the Yalta Conference in 1945, the victorious Allied Powers agreed to establish the **United Nations (UN)** to take over from the failed League.

The UN's Charter reaffirmed 'faith in fundamental human rights and the dignity and worth of the human person ... without distinction as to race, sex, language or religion'. However, shocked as they were by revelations about the existence of Nazi concentration camps, citizens

displacement the process of being shifted from one's homeland

refugee a person who, due to a well-founded fear of persecution, is outside their country of nationality and is unable or (due to such fear) unwilling to return to that country

genocide full or attempted extermination of a certain ethnic, cultural or religious group

communism the political practice of Marxism in which the state or government controls most of the nation's wealth and private property is restricted

Nazi Axis the right-wing, authoritarian regime formed in 1930s Germany along with its allies (such as Italy and Japan)

disarmament reduction of a state's military forces and weapons

United Nations (UN) an international organisation founded in 1945 to work towards world peace and cooperation

across the world called for such human rights and freedoms to be more specifically named and codified. Pressure from dozens of non-government organisations in the United States led to the establishment of an 18-member Commission of Human Rights in April 1946, chaired by the former US President's widow, Eleanor Roosevelt, who was well known for her humanitarian and charitable work.

Development of the Universal Declaration of Human Rights

Between January 1947 and December 1948, the Commission of Human Rights developed the Universal Declaration of Human Rights (the Declaration). Canadian academic John Peters Humphrey was chosen to prepare its first draft – a difficult and delicate task. From this beginning, a second draft was developed by French lawyer and politician René Cassin, who had served in fighting the Nazis in World War II. Cassin is regarded as the principal author of the Declaration.

He imagined the Declaration to be like the **portico** of a Greek temple: its foundation blocks (Articles 1 and 2) declared the principles of 'human dignity, liberty, equality and brotherhood'.

portico a roof supported by columns at regular intervals

The steps into the temple were the seven paragraphs establishing reasons for the document, while its four main columns represented specific types of rights: that is, individual rights (Articles 3–11); civil rights (Articles 12–17); religious and political rights (Articles 18–21); and social, economic and cultural rights (Articles 22–7). The temple's **pediment**, binding the structure together, was the last three

articles, outlining social duties and defending the Declaration from outside attack.

During 1948, the Declaration was exhaustively debated by the Third Committee of the UN General Assembly at more than 80 meetings. A total of 168 amendments were considered. After this, the 58 Member States of the UN voted approximately 1400 times on every part of the text.

The Declaration was passed close to midnight on 10 December 1948. The great majority of states voted in favour and none voted against, but eight members **abstained** from voting. Of these, six were from the **Soviet Bloc** (which opposed rights of property); the other abstaining members were South Africa (which was in the process of introducing racial **Apartheid**) and Saudi Arabia (which opposed women's equality with men).

Similar to the US Declaration of Independence, the Universal Declaration of Human Rights was a momentous statement of global resolve rather than a legally binding treaty. It was the first time that basic rights had been defined for the whole of humanity. You can read the Universal Declaration of Human rights at www.cambridge.edu.au/historynsw10weblinks.

Significance of the Universal Declaration of Human Rights

The creators of the Universal Declaration of Human Rights were idealistic and optimistic about

pediment the triangular front part of a classical building

abstain to formally decline

Soviet Bloc the eastern and central European communist nations under the political influence of the Soviet Union

Apartheid a system of racial segregation and discrimination in South Africa (1948–94)

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Article 30 of the Universal Declaration of Human Rights suggests that citizens do not automatically owe allegiance to any state that ignores human rights. An individual's obligations to one's fellow human beings take priority over such national loyalties.



The Declaration has been translated into more than 360 languages and has laid the foundations for two subsequent **covenants**:

- the International Covenant on Civil and Political Rights (ICCPR), prohibiting torture, slavery and incitement to religious or racial hatred
- the International Covenant on Economic, Social and Cultural Rights (ICESCR), which demands an adequate standard of living, education and social security for all.

Because these covenants do carry enforceable power, agreement upon them within the global community took much longer to achieve. The covenants were not made legally binding by the United Nations General Assembly until 1976; 28 years after the passing of the Declaration. States that sign the covenants are legally bound by them. The ICCPR and ICESCR, together with the Declaration, comprise the International Bill of Human Rights.

Unfortunately, the Declaration and the covenants do not actually guarantee observation

of the Universal Human Rights

and December 1948, the United Nations Human Rights Commission developed the Universal Declaration of Human Rights (the UDHR). Led by the American lawyer and diplomat Eleanor Roosevelt, the Commission's first draft – a document that would be regarded as the cornerstone of human rights – was completed in 1948. The UDHR is a statement of the basic rights and freedoms to which all people are entitled. It is a legally binding treaty that has become a cornerstone of international law. You can find the text of the Declaration of Human Rights at www.unhcr.org/refugees/education/edu.au/historynsw10weblinks.

Significance of the Universal Declaration of Human Rights

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Rights suggests that... that ignores human rights... take priority over...



Source 2.7 Eleanor Roosevelt holding a poster copy of the United Nations Universal Declaration of Human Rights

Research 2.2

Research one of the following treaties, and compile a short report about it.

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of all Forms of Racial Discrimination

- The Convention on the Rights of Persons with Disabilities
- The Convention on the Rights of the Child
- The Declaration on Great Apes

Your report should cover how your chosen covenant, convention or declaration was developed; what it contains; and what the international response to it has been.

of human rights across the world. As the annual reports of organisations such as Amnesty International continue to show, most countries of the world are guilty of human rights violations of some kind. For example, homosexuality remains a criminal offence in 77 countries. The United Nations also sometimes stands accused of inadequate responses to serious atrocities such as those in recent years in Rwanda, Kosovo, Sri Lanka, Chechnya and Burma. There are also calls for more attention to environmental rights and protection, as well as for a 'Right to Refuse to Kill' to be added to the Declaration. Additionally, the Kinshasa Declaration on Great Apes (2005) calls for some rights to be extended beyond the human species. Effective monitoring of rights violations in the twenty-first century remains an important priority.

Australia and the Universal Declaration of Human Rights

The Australian **delegation** to the United Nations from 1945 played a direct and substantial part in

delegation a group appointed to represent others

the formulation of the Universal Declaration of Human Rights. This was largely due to the influence of one man, the Australian judge, author and politician, Herbert Vere Evatt.

Evatt, who was known as 'Bert' or 'Doc', became the youngest justice ever elected to the High Court of Australia in 1930. He served as Attorney-General and Minister for External Affairs

in the Curtin and Chifley Labor Governments from 1941 until 1949. Evatt's early life of financial struggle, his legal championing of the underdog and his interest in civil liberties made him an enthusiastic advocate for the United Nations' role in pursuing peace and human rights. Additionally, he personally understood the horrors of war – he had lost two brothers in World War I.



Source 2.8 Herbert 'Doc' Evatt, walking with famous Australian Aboriginal painter Albert Namatjira in the mid-1950s