

Civil liberties have yet to alleviate the world's misery

The Universal Declaration of Human Rights is 60 years old this week, and just as relevant as when it was first conceived

Francesca Klug
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The most translated document in the world is the Universal Declaration of Human Rights, which is 60 years old this week. Drafted as the first leg of an international bill of rights, it's a marvel it was ever produced. Writing in the aftermath of a devastating world war and at the beginning of the cold one, the drafters did not contemplate torture warrants or dabble with detention without charge. The atrocities they had witnessed convinced them that only an "international Magna Carta" for mankind, in Eleanor Roosevelt's words, could bring peace within and between nations.

Yet the UDHR is not only a restatement of enlightenment values. Countless numbers of people had collaborated in "barbarous acts which outraged the conscience of mankind" in the heart of democratic Europe. Different philosophies, religions and beliefs came together to ask not just what makes a citizen free, but how all individuals can flourish and live peaceably together.

In Roosevelt's vision, human rights were needed in little places as well as big; equality had to be more than formal; and the emphasis on dignity signified that humans require respectful, not just equal, treatment. Rights to health, education, social security and leisure were proclaimed alongside liberty, justice, privacy and free speech. The state had to be sufficiently strong to guarantee such birthrights, and sufficiently restrained to be held accountable. The liberal, conservative, socialist, Confucian, Christian, Jewish and Muslim drafters agreed that individuals can thrive only in communities to which everyone "owes duties". Freedoms have to be curtailed to protect others and "general welfare in a democratic society".

The rights in the declaration are only one half of an equation in which "human" features strongly. Everything hangs on the assertion that human beings "are endowed with reason and conscience". In a deliberate echo of the biblical injunction to love thy neighbour as thyself, individuals are commanded to "act towards one another in a spirit of brotherhood". This was the mission of the declaration: to underline common ethical values in a diverse world, in a manner that reflects that diversity.

It was the business of the 30 treaties that flowed from it, including the European Convention on Human Rights (ECHR), to transform these principles into laws. This has given them force, but sometimes drained them of vision. Judged by the catalogue of human misery that still besmirches our world, the UDHR has had limited impact, although transparency and accountability have increased. Assessed by its capacity to inspire, it has done better. Nelson Mandela testified to the hope it gave to millions in apartheid South Africa; human rights, for all the declaration's critics, have become the lingua franca of struggles around the world.

In Britain, opinion polls suggest consistently high support for human rights as a root to fairness, and for a law to protect them. Yet there is confusion over the future of the Human

Rights Act, as myths and misinformation have combined with some controversial decisions taken under it. Ministers hint at a bill of rights that will build on the act but include more responsibilities. Opposition leaders promise to scrap the law and replace it with a British bill of rights and responsibilities. A few days ago Nick Herbert, the shadow justice secretary, lamented the power of judges under the Human Rights Act. But why call for a bill of rights at all if the aim is to further reduce their role? The act already gives parliament, not courts, the final say.

What are British liberties if they are not fair trial and freedom from torture? Yet it is these that have, troublingly, caused most controversy. Where do we find responsibilities linked with rights if not in human rights law? The act's limitations on rights are much stronger than in the American bill of rights. Along with the rest of the European convention they were drafted by British lawyers fulfilling Churchill's dream of "a charter of human rights, guarded by freedom and sustained by law". The ECHR is as British as custard.

There are useful models to adopt. Canada's charter of rights takes the UDHR and adds clauses reflecting the nation's modern identity. This approach, of building up rather than knocking down, has to be the starting point. If the purpose of consulting on a new bill of rights is to underline common values in a diverse society, then how does it help to look only backwards and inwards? As Barack Obama said at last year's anniversary: "Today should be a day of celebration, a day when we hail the universality of these core principles" - which are rooted in British and American traditions of civil liberty, strengthened and enriched "by a remarkable variety of political, religious and cultural perspectives".

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