

The Universal Declaration of Human Rights; A Retrospective

Introduction

Words on paper do not human rights guarantee. The Universal Declaration of Human Rights (UNDHR) is perhaps the best known of a series of documents seeking to define and protect the human rights of peoples. The purposes of this paper are to chronicle international documents seeking to protect human rights and cross index UNDHR rights with a listing of recent violations to determine which UNDHR rights are most frequently violated.

The UNDHR was drafted in an early 1947 conference meeting at Lake Success, New York. Many saw the document as a response to atrocities committed by Germany and Japan during World War II. Eleanor Roosevelt was the leading American participant in the conference and the person most closely identified with the document by Americans. Other leading drafters were John Humphrey (UK), Charles Malik (Lebanon), Rene' Cassin and Jacques Maritain (France). The UN General Assembly approved UNDHR in December 1948. Celebrating the fiftieth anniversary of the document in 1998, the General Assembly proclaimed the UNDHR "a common standard of achievement for all peoples and all nations."¹ Conferences and publications flowing from anniversary celebrations enrich this paper.

Developing a history of international efforts to protect human rights is a task best left to other scholars.² For the purposes of this paper a chronological listing shows

¹ www.un.org/overview/rights

² Rex Martin, A System of Rights. New York: Oxford Press, 1993 and Jack Donnelly, Universal Human Rights in Theory and Practice. Cornell University Press, 1989.

predecessor documents and the remarkable flow of successor documents. See Appendix One: A Chronology of Human Rights Documents.

[INSERT APPENDIX ONE ABOUT HERE].

Methodological Challenges

The task attempted here is the cross indexing of rights in the UNDHR with a generic list of recent putative human rights violations, to discern which “rights” in the UNDHR list were most frequently violated and what are the shared characteristics of those rights.

Tabulation requires an abbreviated list of rights. Fortunately, the decision of preparers of the UNDHR to simply declare rights, rather than provide a theoretical framework, makes this task easier. The complete text of the UNDHR is found in Appendix Two. Happily, the International Power Company, which owns electric power generating plants in twelve countries, has a simplified listing of UNDHR rights heuristic for this paper. See Table One.

Table One: Simplified text of the UNDHR (from www.ipplc.com)

1. All people are entitled to rights without distinction based on race, color, sex, language, religion, opinion, origin, property, birth or residency.
2. All Human beings are free and equal in dignity and rights
3. Right to life liberty and security of person.
4. Freedom from slavery
5. Freedom from torture
6. Right to be treated equally by the law
7. Right to equal protection by the law
8. Right for all to effective remedy by competent tribunal
9. Freedom from arbitrary arrest.
10. Right to a fair public hearing by independent tribunal
11. Right to presumption of innocence until proven guilty at public trial with all guarantees necessary for defense
12. Right to privacy in home, family and correspondence
13. Freedom of movement in your own country and the right to leave and return to any countries
14. Right to political asylum in other countries
15. Right to nationality
16. Right to marriage and family and to equal rights of men and women during and after marriage
17. Right to own property
18. Freedom of thought and conscience and religion
19. Freedom of opinion and expression and to seek, receive and impart information
20. Freedom of Association and assembly
21. Right to take part in and select government
22. Right to social security and realization of economic, social and cultural rights
23. Right to work, to equal pay for equal work and to form and join trade unions
24. Right to reasonable hours of work and paid holidays
25. Right to adequate living standard for self and family, including food, housing, clothing, medical care and social security
26. Right to education
27. Right to participate in cultural life and to protect intellectual property rights
28. Right to social and international order permitting these freedoms to be realized
29. Each person has responsibilities to the community and others as essential for a democratic society
30. Repression in the name of rights is unacceptable.

Finding a recent unedited listing of human rights violations proved more challenging.

Initially, a data base of human rights violations was sought approximating coverage found in the Emergency Events Data Base maintained by the School of Public Health at the Catholic University of Louvain. This data base is the tabular source for the annual World Disaster Reports. A comparable ‘human rights’ data base could not be identified. Some human rights reports were done by country, without a specific list of human rights violations. The annual US Human Rights Survey is in this category. Some lists were

quite specialized, focusing on violations of rights of prisoners or homosexuals. Others were excellent, but too specialized and lengthy to be placed in a tabular format. Amnesty International's treatment of human rights is in this category.

The most useable but less than ideal listing of putative and recent human rights violations was found at ColorQ.org at the "Human Rights Corner" on this site. The stated purpose of this site "...is to provide a non-judgmental platform (as far as possible) for people of color and other minorities to air their ideas and problems." This site is supported by a small grant from the Flow Fund. The ColorQ human rights listing has been edited deleting (a) claimed violations of the rights of a single person, rather than a group, and (b) second and subsequent reports of a human rights violation.

Entries in the ColorQ list appear to come from relatively young individuals with access to e-mail and the web. The nationality of contributors is not given, but the modal group comes apparently from developing countries. Most entries are secondary reports citing press reports of violations. For some reports, linking to the original site was impossible. Although all contributors write in English, some apparently learned English as a second language. On the positive side, reports in the ColorQ list are recent, report violations in many countries, and can be condensed into a tabular format. For an enumerated annotated list (by country) of violations reported on the ColorQ site, see Appendix Three.

Efforts to examine international mandates as applied to ‘real world’ events require an understanding of the context. Some undergraduate students would assume that positive law in modern developed nations provides an understanding of international peace keeping and human rights protecting efforts; a naïve view, in my opinion. Others might use Hans Morgenthau’s conceptualization of power politics as a model.³ Given the increasing number of small and poor nation-states emerging since World War II, a playground analogy may provide a suitable context for this paper.

Finding a Context: A “Playground” Analogy

Examples of recent serious human rights abuses abound. Consider within the past decade offenses by Serbs against neighboring ethnic groups, mutual slaughter between Tutsies and Hutus in the Great Lakes region of Africa, or the recent American invasion and occupation of Iraq---declared to be a violation of international law by UN Secretary General Kofi Anon. Some might conclude that after fifty years, the UNHCR is of no consequence.

A simple ‘playground analogy’ may permit a more measured understanding of the role and impact of the UNHCR and human rights statements. Consider the boys playground outside the typical elementary level one-room schoolhouse, absent the teacher. All on the playground have some understanding of the ‘rules’ regarding ‘no fighting and sharing the equipment’. Some obey the rules easily because those rules are similar to rules at home (the Scandinavian countries). Some are ‘new boys’ to the schoolyard and don’t yet understand the rules (Ukraine). Some are large and strong (UK

³ Morgenthau, Hans J., Politics Among Nations. New York: Alfred A. Knopf, New York, 1985.

& Germany). Others are large and weak (India). Others are small but strong in one corner of the schoolyard (Australia and Syria). Others are primarily concerned with events in ‘their corner’ of the schoolyard (North and South Korea). Others are small and weak and subject to being ‘bossed’ by others (Lebanon, Burkina Faso). Some are small and weak, but have important resources useful on the playground (Venezuela [oil], Panama [Panama Canal]). Some wish to isolate themselves (Albania under Hoxha) while others willingly cooperate seeking mutual self-interest (members of the European Union). Some have religious commitments influencing their behavior (Israel and Iran). Some can bring added resources to the playground (US and France) while others have little to bring (Dominican Republic and Mali). Small and weak ‘boys’ outnumber others and noisily seek help from larger and wealthier ‘boys’ on the playground. Larger ‘boys’ who understand and respect the ‘rules’ disagree among themselves as to how and how much they should seek to impose the rules on nonconforming weaker ‘boys’. Of course, this analogy fails to encompass civil war or rights abuse by rebel militias. Given this ‘unruly’ context, let us begin the challenging task of associating violations with rights.

Associating Violations with Specific Rights

The initial U.S. proposal at the founding of the United Nations was to make the UNDHR an aspirational document, in order to encourage inclusion of rights in domestic law. However this goal was undermined by Article 2 (7) of the UN Charter: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters

which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter...”

The central intent of the UNDHR framers was to encourage better treatment by nation-states of their residents. Some rights were quite broad, even ill defined, as in #1, #2 & #35. Others were quite specific (#4 and #5). A few rights, those listed at the end of the document, can not easily be interpreted as guidelines for nation-states.

(29). Right to social and international order permitting these freedoms to be realized

(30). Each person has responsibilities to the community and others as essential for a democratic society

(31). Repression in the name of rights is unacceptable.

A cross indexing of UNDHR rights and reported violations is presented in Table Two. Some reports (#18 and #19) might be characterized as ‘fevered’. An array of violations were reported: rape, torture, looting, killing, gender offenses, civil war, relocation, environmental harm, military takeover, prostitution, poisoning, burning, stealing, police mistreatment, slavery, gay abuse, media repression, medical care deficit, guard misconduct, harassment, and ethnic cleansing. The most frequently reported violations were killing and rape, followed by burning and stealing. Some were inflicted by soldiers, some by paramilitary militias, and others by antigovernment combatants in apparently anarchic or civil war situations. ‘Relocation’ was reported as a violation of human rights. Sometimes relocators chose to move fearing repression, as in Indonesian

Christians leaving Ambon Island. Sometimes families were coerced by peaceful means to relocate, as in the Three Gorges area of China.⁴

[INSERT TABLE TWO ABOUT HERE]

The count of violation reports by country and region is interesting but not necessarily revealing. Sixteen violations were reported from Asia, eight from Black Africa, two from Moslem Africa, four from the Balkans and New Republics, one from Latin America and five from the US. Likely this count reflects levels of access to the web and /or the ColorQ site, and ability to communicate in English. There were no reports of violations in European Union states. The tenor of reports of violations in the US (and one US-source report of violations in China) stand in stark contrast to reports from less affluent nations. These few 'US reports' address asserted violations of rights of convicted criminals, gay students in public schools and the environment. The modal group of violations claimed in less developed countries is murder and rape.⁵

Attacks by radical Islamic groups were mentioned in reports from Afganistan; Algeria; Indonesian East Timor, Ambon, Maluku Island and Jakarta; Malaysia and Sudan. This topic deserves further attention elsewhere. In contrast, there was only one report of violations by Buddhists and none by Christian groups. This topic merits further attention elsewhere.

⁴ Let me propose that in the ancient world and among pre-modern peoples today, movement of large numbers of people (tribes) was not uncommon. Sometimes this movement was seasonal, sometimes motivated by natural disasters or by inter-group conflict.⁴ Sociologists distinguish between 'push' and 'pull' motivations for movement of peoples. Floods or drought or conquest by oppressive conquerors are classic "push" factors motivating groups to leave. The vision of a "promised land" or simply better grazing land for animals are examples of "pull" factors. Replacing the highly charged modern term "ethnic cleansing" with less emotionally charged terms such as "relocation", the UNDHR and related documents can be understood as statements encouraging nation-states not to oppress minorities and new nations to organize themselves to prevent anarchic tyrannizing of minorities.

⁵ For a relatively current 'body count' of mass murders, almost all occurring in developing countries or the former Soviet Union, see www.genocidewatch.org

Rights asserted by individual against their government are sometimes characterized as ‘substantive’ or ‘procedural’. ‘Substantive’ rights impose an obligation on government to provide goods and services to residents; perhaps education, adequate housing etc. ‘Procedural’ rights require the government to follow accepted processes such as fair trial access to courts, witnesses and a jury. Assignment of UNDHR rights to either category was problematic. Only three asserted violations were procedural while sixty-seven violated ‘substantive’ rights. Contributors to the list were much more concerned (65 reports) about violation of ‘basic’ rights (#1-5) than with the longer list of presumably ‘non-basic’ rights (3 reports). See Table Three for a listing.

[INSERT TABLE THREE ABOUT HERE]

Another somewhat similar characterization of rights assigned some as ‘negative’ and other rights as ‘positive’. A ‘negative’ right is an assurance that government will not intervene in a specific area of activity. “No establishment of religion” in the US Constitution is an example of a ‘negative right’. A ‘positive’ right requires action by government, such as banning slavery or permitting individuals to run for public office. Not all rights could be labeled ‘negative’ or ‘positive’. Those assigned to the ‘negative’ category drew 31 violations, with most being attributed to the very broad right #1. Only one violation attached to a positive right; the obligation of the state to ban slavery. See Table four.

Tentative Conclusions

The UNDHR is indeed aspirational. Fulfilling ‘rights’ to adequate pay, food, housing and medical care are challenges for even the most wealthy countries. Fulfilling those same challenges is impossible, using any ‘Western’ standard, for most nations now in the United Nations family. Rather than focus on the many ‘non-basic’ rights, the contributors to the ColorQ list focused on preservation of life and freedom from assault and rape. In their eyes, concern for non-basic rights pales as compared to their concerns with violence imposed by government agents or rebel combatants. It overreaches only a bit to suggest that most list contributors wished to see in ‘their country’ a disciplined military and control of mob violence as is currently found in developed countries.

Topics for Discussion

1. Certainly the most ‘basic’ or ‘fundamental’ right is the right to life, especially when those individuals compose a community, such as Jews in Germany or the Tutsies in the Great Lakes region of Africa. It seems reasonable to assert that drafters of the Declaration and current advocates of global concepts of human rights are as offended by slaughter of many in a minority group in anarchic situations as by equally cruel treatment of a minority by an organized government, as in Nazi Germany. Consider the resulting anomaly: Regarding the Sudan, human rights advocates are encouraging the government in Khartoum to exercise more control of Muslim militia units terrorizing the non-Muslim (Black) minority in Darfur. It should be no surprise that Sudanese government leaders having little sympathy for the Darfur minority respond by seeking to incorporate militia units into the national army.

2. If one accepts the “boy’s playground” analogy for understanding relations between nations, one would expect only incremental moves toward the protection of “negative rights” and little more than paying lip service by leaders of poor nations to the “positive rights” contained in the Declaration. A reduction in human rights abuses is anticipated in the many “new nations” established after World War II. But would this decrease be due to granting of national autonomy to minority groups (such as the Timorese by Indonesia) or the ability of powerful nation-states to exercise hegemony of newer and smaller states (such as France over Francophone Africa)?

3. Are violations of human rights more likely when two groups embracing different religious / cultural views must live close together, particularly if the dominant group does not have a concept of ‘separation of church and state’?.

Selected Bibliography

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Appendix One: A Chronology of Human Rights Documents

- Greek city-states Political rights (and duties) are conferred upon free male citizens.
- 27 B.C.- 476 Roman Empire develops natural law; rights of citizens.
- 476-1453 Medieval theology holds that infidels and barbarians are not entitled to humanistic considerations.
- 1215 Britain's King John is forced by his lords to sign the Magna Carta acknowledging that free men are entitled to judgment by their peers and that even a sovereign is not above the law.
- 1492-1537 Colonization of Western Hemisphere culminates in massacre of the Incas by the Spanish Conquistadors causing some theologians to challenge the means employed to enforce God's laws.
- 1583-1645 Hugo Grotius, Dutch jurist credited with the birth of international law, writes of brotherhood of humankind and the need to treat all people fairly.
- 1628 British Petition of Rights is adopted.
- 1648 Treaty of Westphalia ends Thirty Years' War, which split Germany into hostile religious camps. Europe reorganizes into a pluralistic, secular society of states.
- 1689 British Bill of Rights is adopted; John Locke sets forth the notion of natural rights of life, liberty and property.
- 1776 U.S. Declaration of Independence proclaims that "all men are created equal" and endowed with certain inalienable rights.
- 1789 French Declaration of the Rights of Man and the Citizen is adopted.
- 1793 Henri Gregoire, Bishop of Blois, proposes a code of immutable principles whereby "the private interest of one nation would be subordinated to the general interest of the human family." (Proposal defeated.)
- 1815 The Congress of Vienna is held by states that defeated Napoleon. International concern for human rights is demonstrated for first time in modern history. Freedom of religion is proclaimed, civil and political rights discussed, slave trade condemned.
- 1833 Great Britain passes Abolition Act, ending slavery in the British Empire.
- 1841 Russia, France, Prussia, Austria, and Great Britain sign the Treaty of London abolishing slavery.
- 1885 Berlin Conference on Africa passes antislavery act.
- 1890 Brussels Conference passes antislavery act.
- 1907 Central American Peace Conference provides for the right of aliens to appeal to courts where they reside.
- 1919 At end of World War I, Treaty of Versailles requires that Kaiser Wilhelm II be placed on trial for a "supreme offense against international morality and the sanctity of treaties." He escapes, but for the first time in history, nations seriously consider imposing criminal penalties on heads of state for violations of fundamental human rights. At Versailles, other treaties stress minorities' rights, including right to life, liberty, freedom of religion, right to nationality of the state of residence, complete equality with other nationals of the same state, and exercise of civil and political rights.
- The International Labour Organization (ILO) is established to advocate human rights represented in labor law, encompassing concerns such as employment discrimination, forced labor, and worker safety.
- 1920 League of Nations Covenant requires members to "endeavor to secure and maintain fair and humane conditions of labor for men, women and children," "secure just treatment of the native inhabitants of territories under their control, "and take measures for the prevention and control of disease." Out of these provisions grows work of International Labour Organization.
- 1926 Geneva Conference passes Slavery Convention.
- 1930 Convention Concerning Forced or Compulsory Labor (ILO) is adopted.
- 1939-1945 During World War II, 6 million European Jews are exterminated by Hitler's Nazi regime. Millions of others civilians (Gypsies, Communists, Soviet POWs, Poles, Ukrainians, people with disabilities, labor unionists, "habitual" criminals, Socialists, Jehovah's Witnesses, homosexuals, Free Masons and indigent people such as vagrants and beggars) are forced into concentration camps, subjected to "medical" experiments, starved, brutalized and murdered. Particularly with reference to the deaths of six million Jews, this period is remembered as the "Holocaust".
- 1941 United States President Franklin D. Roosevelt, in a speech before the United States Congress, identifies "Four Freedoms" as essential for all people: freedom of speech and religion, freedom from want and fear.
- United States President Franklin D. Roosevelt and British Prime Minister Winston Churchill adopt the Atlantic Charter, in which they state their hope, among other things, "that all men in all the lands may live out their lives in freedom from want and fear."
- 1945 The United Nations (UN) is established. Its Charter states that one of its main purposes is the promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." Unlike the League of Nations Covenant, the Charter underscores the principle of individual human rights.
- 1946 Commission on Human Rights established by the UN Economic and Social Council (ECOSOC).
Commission on the Status of Women is established by ECOSOC (where it was originally a sub-commission of the Commission on Human Rights).
- 1948 Convention on the Freedom of Association and Protection of the Right to Organize (ILO); Declaration of the Rights of Man by the Organization of American States (OAS); and Convention on the Prevention and Punishment of the Crime of Genocide (UN) are adopted.
- UN General Assembly adopts the Universal Declaration of Human Rights, the first comprehensive agreement among nations as to the specific rights and freedoms of all human beings.
- 1949 Convention on the Right to Organize and Collective Bargaining (ILO) is adopted.
Geneva Conventions provide standards for more humane treatment for prisoners of war, the wounded, and civilians. Statute of Council of Europe asserts that human rights and fundamental freedoms are the basis of the emerging European system.
- 1950 European Convention on Human Rights; Convention for Suppression of Traffic in Persons and Exploitation of Prostitution of Others (UN) are adopted.
- 1951 Convention on the Status of Refugees (UN) is adopted.
- 1953 European Commission on Human Rights and Court of Human Rights are created; Convention on Political Rights of Women (UN) is adopted.
- 1957 Convention on Nationality of Married Women (UN); Convention Concerning Abolition of Forced Labor (ILO); Convention Concerning Indigenous and Tribal Populations (ILO) are adopted.
- 1958 Convention Concerning Discrimination in Employment and Occupation (ILO) is adopted.

- 1960 Inter-American Commission on Human Rights is established, advisory to the Organization of American States; the Convention Against Discrimination in Education is adopted by the UN Educational, Scientific and Cultural Organization (UNESCO).
- 1961 European Social Charter defines economic and social rights for member States of the Council of Europe.
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (UN) is adopted.
- 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (UN) are adopted and opened for signature. Together these documents further developed rights outlined in the Universal Declaration for Human Rights.
- 1967 Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (UN) is adopted.
- 1968 First World Conference on Human Rights is held in Tehran. The United Nations convened member States to evaluate the failures and successes of human rights promotion since the adoption of the Universal Declaration of Human Rights and to work toward the elimination of racial discrimination and apartheid.
- 1969 American Convention on Human Rights (OAS) is adopted.
- 1973 International Convention on Suppression and Punishment of the Crime of Apartheid (UN) is adopted.
- 1975 Final Act of the Helsinki Conference on Security and Cooperation in Europe (CSCE) affirmed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The conference established an on-going forum for East-West communication on human rights and humanitarian issues. This framework for international communication inspired the creation of many NGOs.
- Declaration on Rights of Disabled Persons (UN) is adopted.
- 1976 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights enter into force after sufficient ratification among UN member States.
- 1977 United States signs the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- 1979 The Code of Conduct for Law Enforcement Officials (UN) and Convention on the Elimination of All Forms of Discrimination Against Women (UN) are adopted.
- 1980 United States signs the Convention on the Elimination of All Forms of Discrimination Against Women.
- 1981 African Charter of Human and People's Rights is adopted by the Organization for African Unity (OAU).
Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief was adopted after nearly 20 years of drafting (UN).
- 1982 Principles of Medical Ethics (UN) is adopted.
- 1984 Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (UN) is adopted.
- 1985 Committee on Economic, Social, and Cultural Rights established (UN).
International Convention against Apartheid in Sports (UN) is adopted.
- 1986 Declaration on the Right to Development (UN) is adopted.
- 1988 After 40 years of lobbying by non-governmental organizations, the United States ratifies the Convention on the Prevention and Punishment of the Crime of Genocide (the "Genocide Convention").
- 1989 Convention on the Rights of the Child (UN) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (UN) are adopted.
- 1990 Adoption by the World Summit for Children of the World Declaration on the Survival, Protection and Development of Children and of the Plan of Action for Implementing the World Declaration.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN) is adopted.
- 1992 United States ratifies the International Covenant on Civil and Political Rights.
Security Council adopts resolution to deploy the United Nations Protection Force in the former Yugoslavia.
Security Council resolution condemns "ethnic cleansing" in Bosnia and Herzegovina (UN). Security Council resolution demands that all detention camps in Bosnia and Herzegovina be closed (UN).
- 1993 Criminal Tribunal on the Former Yugoslavia is established in the Hague as an ad hoc international tribunal to prosecute persons responsible for crimes against humanity and war crimes since 1991. These trials represent the first international war crimes tribunal since the Nuremberg Trials following WWII.
The Second World Conference on Human Rights convenes in Vienna, where Vienna Declaration and Program of Action is adopted. The UN agrees to establish a post of High Commissioner for Human Rights.
United Nations General Assembly creates post of High Commissioner for Human Rights.
- 1994 Emergency session of the Commission on Human Rights convenes to respond to genocide in Rwanda.
United States ratifies the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.
United States signs the Convention on the Rights of the Child.
- 1995 Beijing Declaration at the World Conference on Women declares "Women's rights are human rights." The Platform for Action designed at the conference has many references to human rights pertaining to women.
- 1998 50th Anniversary of the Universal Declaration of Human Rights marks a cornerstone event in humanity's struggle to recognize, promote, and protect human rights and fundamental freedoms.

Adapted from "Ongoing Struggle for Human Rights at www.UNDHR.org

1830 Congress passes the Indian Removal Act in order to free land for settlement, forcing 70,000 Native Americans to relocate in what came to be known as the "Trail of Tears." Many Native Americans died on the long treks westward.

The United States Supreme Court orders the federal government to pay some \$120 million dollars to eight tribes of Sioux Indians in reparation for Native American land seized illegally by the government in 1877.

Appendix Two: Universal Declaration of Human Rights

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each State.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

*Adopted on December 10, 1948
by the General Assembly of the United Nations (without dissent)*

Table Three: Rights by Type				
Procedural Rights (Pr)				
#	Violation Descriptors			Total Violations
6	equally by the law	Pr	N	1
8	competent court	Pr	N	
9	arbitrary arrest.	Pr	N	1
10	fair hearing in court	Pr	N	
11	presumption of innocence	Pr	N	1
21	Run for office & vote	Pr	p	
	TOTAL			3
'Basic' Substantive Rights (S)				
1	race, color, sex, language, religion, opinion, origin,	S	N	27
2	free and equal in dignity and rights	S	O	12
3	life liberty and security of person	S	O	21
4	slavery	S	P	1
5	torture	S	O	4
	TOTAL			65
Non-basic' Substantive Rights				
7	equal protection by the law	S		
12	Right to privacy	S		
13	Free to travel, nat. & int.	S		
15	Right to nationality	S		
16	rights	S		
17	Right to own property	S		
18	conscience and religion	S		
19	Speech & expression	S		1
20	Association & assembly	S		
22	economic, social and cultural rights	S		
23	Equal pay & unionize	S		
24	Working hours & holidays	S		
25	food, housing, clothing, medical care and social security	S		1
26	Education	S		
27	Culture & intellectual property	S		
	TOTAL			2
=====				
Negative Rights...a government should not...				

1	race, color, sex, language, religion, opinion, origin, property, birth or residency		N	27
6	equally by the law		N	1
8	competent court		N	
9	arbitrary arrest.		N	1
10	fair hearing in court		N	
11	presumption of innocence		N	1
12	Right to privacy		N	
13	Free to travel, nat. & int.		N	
18	conscience and religion		N	
19	Speech & expression		N	1
20	Association & assembly		N	
	TOTAL			31
Positive Rights...a government should...				
4	slavery		P	1
7	equal protection by the law		P	
15	Right to nationality		P	
21	Run for office & vote		p	
26	Education		P	
	Total			1