

# The Universal Declaration of Human Rights and its relevance for the European Union

Seventy years after its adoption, the Universal Declaration of Human Rights has achieved all of the significance its drafters hoped it would. It has served as a foundation for the codification of human rights at global, regional and national level. Even though non-binding, many of its provisions enjoy such undisputed recognition as to be considered part of customary international law and therefore universally obligatory. In the absence of universal ratification of the human rights treaties, the Declaration often remains the central reference to be invoked for the denunciation of human rights violations. The EU has fully embraced the Declaration's significance, using it to set standards in its internal legislation and international agreements, and to guide its external policy.

## History of the Declaration

The [Universal Declaration of Human Rights](#) is [considered](#) even more significant today than when it was adopted 70 years ago. Translated into [hundreds of languages](#), the Declaration is [the world's best-known](#) human rights document. It was [the project](#) of a group of [visionaries](#) from various professional, cultural and religious backgrounds, working at the UN's newly established Commission on Human Rights. The [UN Charter](#), signed on 26 June 1945, had stated that 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion' was among the UN's overarching goals, but had not elaborated any further on what constitutes human rights. A decision was taken instead to draft an international bill of rights after the Charter's entry into force. However, mounting tensions between the two major geopolitical blocs (the Cold War was beginning to escalate) led to a decision to draft a non-binding document that would later be accompanied by a legally binding covenant. The draft proposed by the Commission on Human Rights was intensely debated and carefully scrutinised in the UN General Assembly by the representatives of the then [58](#) UN member states. The General Assembly [adopted](#) the Declaration on 10 December 1948. While no state voted against, eight states – the six Soviet Bloc states then represented in the UN, together with Saudi Arabia and South Africa – abstained. The Declaration became the first global human rights document to set a common standard to which all nations should aspire.

## The significance of the Declaration

Recognition of the inherent dignity and equal and inalienable rights of all human beings is the central tenet of the Declaration. It was inspired by the belief that the horrific acts committed in WWI and WWII were rooted in disregard for human rights, and that only respect for these rights could yield lasting peace. The Declaration established the inalienable character of individual rights as opposed to the discretionary power of the state, thereby laying the foundation of a new international system, in which states could be held accountable for the way they treated their subjects.

The Declaration was not linked to a specific religious or philosophical foundation; rather it was based on a 'common understanding' of human rights. It includes civil and political rights, such as the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, such as the right to social security, health and education. The Declaration upholds social and economic rights as being equally important as civil and political rights, and contributes sizeably to the latter's recognition. At the time of its adoption, social and economic rights were only gradually finding their way to legal recognition in liberal democracies (for example, they were enshrined in the preamble to the [French 1946 Constitution](#)).

The Declaration does not have a legally binding character, but the rights therein have gradually been codified in a series of international human rights conventions. However, not all states have ratified these conventions; where they have been ratified, implementation is still imperfect. The Declaration remains a central reference for all those whose human rights are insufficiently recognised and protected. It is [considered](#) that at least part of the rights enshrined in the Declaration represent customary international law and as such are universally binding. For example, the UN General Assembly holds [such a view](#), considering that all UN member states have an obligation to promote and protect human rights and fundamental freedoms as elaborated in the Declaration,

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among other international instruments. The [Universal Periodic Review](#) of the UN Human Rights Council is based on the Declaration, among other human rights instruments, confirming its status as a universal framework.

The Declaration has served as inspiration for many national constitutions (according to one [source](#), at least 90) all over the world. It is explicitly referred to in a number of national constitutions in force, such as those of Portugal, Romania and Spain.

## Relevance for the EU

The creation of the European Economic Communities was directly related to the [post-war context](#) and the desire to avoid future wars – a desire that underpins the Declaration as well. The Declaration was a key source of reference for the drafters of the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR, a central document of the Council of Europe), which was signed in November 1950 and to which the EU is now bound to accede through its Treaties. The ECHR refers to the Declaration several times in its preamble, and many of its articles are inspired and derived from the Declaration. However, the ECHR is limited to civil and political rights, as its drafters considered economic and social rights too controversial and difficult to enforce.

Today, the Declaration plays an important part in guiding EU external policies and is a useful reference for the way in which the EU conceives fundamental rights. While the EU Treaty does not explicitly mention the Declaration, it provides for strict observance and development of international law, including respect for the principles of the UN Charter. Moreover, according to Article 21 of the Treaty on European Union, EU external policies should promote the universality of human rights – the core of the Declaration.

The Declaration is an important source of reference for EU legislation and policy documents. For example, recital 9 of the 2014 [Regulation establishing a financing instrument for democracy and human rights worldwide](#) states that 'The Union's contribution to democracy and the rule of law and to the promotion and protection of human rights and fundamental freedoms is rooted in the Universal Declaration of Human Rights [among other international instruments]'. The [anti-discrimination directives](#) contain in their recitals a reference to the right to equality before the law and protection against discrimination for all persons, as enshrined in the Declaration. The 2016 [Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings](#) refers to Article 11 of the Declaration in its recitals. Many bilateral agreements – for instance, the recent trade agreements with [Canada](#), [Japan](#) and [Singapore](#) – include an explicit reference to the Declaration in their preamble. The [standard human rights clause](#) included in many framework and/or trade agreements (e.g. EU agreements with the Republic of Korea (2010), Central America (2012), Colombia and Peru (2012), Georgia (2013) and Moldova (2013)), also contains an explicit reference to the Declaration as the normative framework of reference for respecting human rights. Exactly because of its non-binding nature, the Declaration may have played a [significant role](#) for the EU with regard to human rights, given that the EU has been unable to accede to binding human rights treaties, with the exception of the 2006 [Convention on the rights of disabled persons](#). The Declaration's universal character makes it a very useful tool for EU efforts to develop a uniform policy for supporting human rights and democracy.

While many articles of the [EU Charter of Fundamental Rights](#) recall similar articles in the Declaration, the EU Charter contains a number of additional rights and principles that reflect the EU's advances with regard to human rights (such as the prohibition of the death penalty), or its response to technological progress and new developments (such as the ban on cloning the human body; the right to personal data protection; and the principle of environmental protection). Some of the rights and principles of the Charter are specific to the nature of the EU as an internal market and political structure; such as the freedom to conduct business in accordance with EU law, the requirement to integrate consumer protection in all EU policies, and the right to petition the European Parliament. On asylum, the EU Charter goes one step further in proclaiming the right to asylum, whereas the Declaration only recognises the right to seek and be granted asylum.

