

In 1945, the most devastating war in history ended, leaving over 60 million people dead and many more wounded. Not long after, the world would learn about the horrific human rights violations committed by Axis powers. It was clear that something had to be done to prevent such tragedies from ever occurring. Thus, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This document is one of the most critical milestones in the history of human rights. For over seventy years, the Universal Declaration of Human Rights has helped to preserve human rights across the globe. It has been incorporated into countless treaties, constitutions, national legal codes, and others. This article will explore how nations have advanced the ideals of the Declaration and what we can do to make equality, freedom, and justice a reality for all.

The Universal Declaration of Human Rights contains thirty articles, each containing information regarding basic human rights and fundamental freedoms (United Nations, 2023). The great thing about the UDHR is that it applies to every human being regardless of race, nationality, religion, sex, or any other status. In 1948, 48 of the 58 United Nations member states voted to adopt the Declaration. When we consider the nature of international law, documents like this cannot be forced upon any nation. Each nation individually must choose to adopt and accept the UDHR. As of 2023, the Universal Declaration of Human Rights has been adopted by 192 members of the United Nations.

Regarding advancing the ideals of the Declaration, the Constitution of at least 90 countries contains provisions from the UDHR. Many countries that gained independence after World War Two used this document as a foundation for their constitutions, particularly nations in Africa. For example, the Universal Declaration of Human Rights is referenced within the constitutions of Niger, Chad, Algeria, the Republic of Congo, Senegal, Somalia, and many others. Other than Africa, the UDHR has played an important role in countries like India, where the Constitution has incorporated most of the principles of the UDHR (Rai, 2022). In Italy, article 10 of the Constitution states that domestic laws must be created in a way that conforms to the principles of international law. So, how does this advance the ideals of the UDHR? It is simple: the Constitution is the most

crucial legal document within any nation. The Constitution serves as the foundation for all other legislation within the country. A law or judicial decision can only be passed if it is in line with the text of the Constitution. Thus, by incorporating the principles of the UDHR within national constitutions, the document has become, in a way, legally binding. **We must remember that merely adopting an international declaration does not mean it is legally binding.**

Another way the UDHR has been advanced within nations is through the decisions of national courts. We can look to the United States judicial system to find numerous examples of court decisions referencing the UDHR. In 1980, the Filártiga family sued Américo Norberto Peña-Irala for torturing, kidnapping, and murdering their seventeen-year-old son. All the events in this case took place in Paraguay. Eventually, all parties moved to the United States, shortly after which the murder was reported to local police. Eventually, the case made its way to the U.S. Court of Appeals for the Second Circuit. Ultimately, the U.S. Court of Appeals ruled in favor of the Filártiga family (Irving R. Kaufman, 1980). The Court determined that Norberto Peña-Irala had violated the laws of nations. The Court considered the Universal Declaration of Human Rights a basis for their decision. Since the U.S. is a common law country, U.S. federal courts use this decision as a foundation for many similar cases.

Regarding Bosnia and Herzegovina, my country of birth, human rights were continuously violated throughout the 1990s. To create a lasting peace, the authors of our Constitution made sure to use international declarations and covenants as a source of valuable information. In fact, in the preamble of the Bosnian Constitution, it is written that the Universal Declaration of Human Rights inspires the Constitution. Both entities in Bosnia and Herzegovina are obligated to ensure the highest level of internationally recognized human rights. The Constitution guarantees fundamental rights like life, freedom of expression, liberty, etc. Since 1995, fundamental human rights have been slowly expanded and advanced through legislation. For example, in the year 2000, Bosnia and Herzegovina became the first country in the region to pass the Freedom of Access to Information Act, allowing citizens to access public information from any government body. Article 19 of the

UN Universal Declaration of Human Rights states that everyone has the right to freedom of expression and to seek information (Ombudsmen, 2023).

Even though our planet has taken significant steps to improve human rights, much more can still be done. In fact, in certain parts of the world, human rights have gone backward. After decades of communist rule, Russia was on the path to becoming an open and democratic society. However, in recent years, Russian authorities have completely disregarded fundamental human rights set out in the UDHR, such as freedom of expression and equal protection of the law. Even in Bosnia and Herzegovina, we have seen a decline in human rights, particularly in the entity of Republika Srpska, where the national assembly plans to pass legislation that will limit the right to freedom of association, which is a guaranteed right, according to article 20 of the UDHR (Ajla Bećirspahić, 2023). Unfortunately, there is no solution that will make equality, freedom, and justice a reality for all. Remember, it took nearly half a century to defeat brutal communist regimes in Eastern Europe and six years to defeat the Nazi regime in Germany. The best way to fight for fundamental rights and expand the UDHR principles is to be constantly vigilant and vocal about human rights violations. Furthermore, people have the power to use social media to raise awareness about human rights violations.

When all things are considered, the global human rights situation is far better today than in 1948. Multiple generations have worked tirelessly to expand our human rights, and they have been able to do so because of documents like the Universal Declaration of Human Rights. Nonetheless, much work must be done before equality, freedom, and justice are a reality for all.

References

IRVING R. KAUFMAN, C. J. (1980, June 30). *Filartiga v. Pena-Irala*. Legal research tools from Casetext.

<https://casetext.com/case/filartiga-v-pena-irala>

Rai, D. (2022, January 27). Human rights and constitution of India. iPleaders. <https://blog.iplayers.in/human-rights-constitution-india/>

United Nations. (n.d.). *Universal declaration of human rights*. United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

United Nations. (2023, October). *Draft Republika Srpska law restricting the right to freedom of association cannot be justified in Bosnia and Herzegovina*. United Nations.

<https://bosniaherzegovina.un.org/en/248049-draft-republika-srpska-law-restricting-right-freedom-association-cannot-be-justified>

Webmaster, O. B. (2023). Ombudsmen.gov.ba - freedom of access to information.

<https://ombudsmen.gov.ba/Default.aspx?id=32&lang=EN>