

Equality, Freedom, and Justice for All

Equality, freedom, and justice for all might appear like buzzwords at first glance. However, when viewed within the context of the Universal Declaration of Human Rights (UDHR), these terms indicate definitive meanings and commitments, which together uphold the core value of the UDHR, i.e., human dignity. To be specific, *equality* refers to the equal dignity and equal rights of all human beings.¹ Moreover, *freedom* refers to the rights and freedoms guaranteed in the UDHR. Finally, *justice for all* entails a commitment to a legal framework that protects the rights and freedom of all persons. In this paper, I will discuss how these values, as introduced and advocated by the UDHR, have become a legal and normative standard for different countries in the last seventy-five years. I will also shed light on how many countries are yet to commit to this standard in the fullest possible way. Finally, I will discuss some possible measures that could help to advance the commitment to these ideals.

Since its inception in 1948, the UDHR has significantly shaped the legal and normative journey of most countries of the world. Its profound impact in the legal arena is conceivable from the birth of numerous legally binding human rights instruments² and the trend of constitutional incorporation of human rights in the post-UDHR world.³ Moreover, the UDHR has established a normative framework that helps to evaluate the human rights situations of different countries. *Equality, freedom, and justice for all* constitute the core part of this legal and normative framework.

¹ The Universal Declaration of Human Rights, Art 1.

² For example, the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

³ Zachary Elkins et al., "Getting to Rights: Treaty Ratification, Constitutional Convergence, and Human Rights Practice" (2013) 54 HILJ 201.

Countries tend to meet the ideal of *equality* by constitutionally recognizing the equal dignity of all human beings and ensuring their equal treatment under the law. Moreover, they show commitment to the standard of *freedom* by recognizing freedom of expression, freedom of association, right to privacy, and so on. Finally, countries usually adhere to the ideal of *justice for all* by establishing a justice system that adjudicates the violation of such rights. In this way, these ideals have received legal protection in most parts of the world.

However, the devil lies in the details. While most countries manifest a positive approach in incorporating these standards in their legal system, many deviate from the necessary implications of these commitments.⁴ For example, many countries do not recognize and protect the rights of their gender minorities, racial minorities, indigenous people, and so on, despite their generic commitment to equal dignity and equal rights of all human beings. Similarly, many countries limit the scope of freedom of expression and freedom of association by adding excessive restrictions to these rights. As a result, the justice system fails to protect the rights of people as the constitutions themselves have narrowed down the scope of the protection. Although the United Nations Human Rights Council (UNHRC) examines the scope and nature of the protection of specific human rights by Universal Periodic Review, it hardly deters countries from violating them. An important step towards advancing the UDHR ideals would be establishing a stronger mechanism to protect the human rights of different countries. To that end, countries should be encouraged to establish regional human rights courts to ensure the protection of human rights.⁵ Such courts will have the jurisdiction to adjudicate cases of human rights violations in specific

⁴ *ibid* [92].

⁵ The European Court of Human Rights can be taken as a model for this venture.

regions of the world. In this way, the ideals of equality, freedom, and justice for all can be materialized in a more concrete manner.

Along with ensuring the legal protection of human rights ideals, sincere steps should be taken to strengthen the global narrative of human rights. The human rights ideals have been facing criticisms for lack of cultural inclusivity since the adoption of the UDHR.⁶ Some countries evaded committing to human rights by labeling them as “Western values”. Moreover, in the last seventy-five years, the world has experienced the rise of populism⁷, and religious fundamentalism under the façade of democracy. These political trends tend to promote intolerance and hatred towards “others” and reject human rights ideals. Due to these challenges, the narrative of human rights has not been able to achieve its full potential yet. I believe the narrative of human rights would be strengthened if there were more intellectual engagement with these criticisms and challenges posed by rival ideologies. For example, instead of avoiding ideological debates, the human rights narrative should emphasize how ensuring equal human dignity is the best possible way for everyone to co-exist peacefully in this diverse world. We should stress how the human rights ideals are, in fact, more compatible with cultural diversity than any other conventional ideals. In this way, the discourse of human rights can be enriched and promoted in the future.

Overall, we must take both infrastructural and intellectual measures to promote the ideals of equality, freedom, and justice for all. While setting up regional human rights courts will ensure the former, strengthening the human rights narrative will secure the latter.

⁶ Larry May and Jill B. Delston (ed), *Applied Ethics: A Multicultural Approach*, (Routledge 2016) 52-54.

⁷ By populism, I refer to the regimes that create a division between what they call as “the ordinary people” v. “the elites” to legitimize majoritarianism and to disregard the protection of fundamental human rights. Countries like Brazil, Hungary, Poland, Austria, India, Bangladesh, and so on have arguably experienced (or experiencing) populist regimes in the last seventy-five years.