

**Celebration of the 70th Anniversary of the
United Nations' Universal Declaration of Human Rights**

Some reflections presented by Dirk Jarré,

President of the European Federation of Older Persons – EURAG

on behalf of the UN NGO Committee on Ageing, Vienna

Human Rights don't end at 70!

Ladies and gentlemen, dear colleagues and friends!

It is a great honor for me to have today the privilege to represent the UN NGO Committee on Ageing, Vienna, at this very special event attended by so many venerable guests. Allow me to share with you some reflections about the value and the limitations of the UN Universal Declaration of Human Rights, in particular from the point of view of older persons in our society.

To start with, I would like to emphasize that the United Nations' Universal Declaration of Human Rights of 10 December 1948 was the result of an extraordinary vision and determination of enlightened personalities after the experience of a particularly cruel period in dark times of human history.

To declare the principle that “All human beings are born with equal and inalienable rights and fundamental freedoms” and that these rights and freedoms should ultimately ensure that dignity and justice for all people in an individual context become a reality, constituted an admirable gift of hope to humanity. Today, we solemnly celebrate the 70 years of existence of this Universal Declaration of Human Rights, which, by the way, has been translated into more than 360 languages.

Despite its high ethical value, the Universal Declaration of Human Rights has some quite severe problematic aspects.

Among them counts, most unfortunately, the separation of fundamental human rights into two different sets – and this despite the noble principle of the “indivisibility of human rights”: political and civil rights stand versus social, cultural and economic rights! The first two ones have been recognised much stronger than the latter three ones. But frankly, what is the value of, for example, the right to vote in political elections for people who have not enough food, no qualitative health care or no access to education? And where can we find fundamental rights of development, of autonomy, of self-determination, of diversity and of participation – for all?

To highlight the key importance of freedom, equality and solidarity for all is certainly essential – but are these principles really translated into solid fundamental rights that can be effectively claimed and enforced by all humans and everywhere?

Another very problematic area is touched upon when we ask the question “Where, against whom and how can people claim their fundamental rights enshrined in the Universal Declaration of Human Rights?” It is more than exasperating to state that there is no international court of justice to receive and judge on infringements of these rights. This leads to the sad fact that the victims of violations of their rights and liberties are dramatically dependent on the justice system of their respective nation state – which may well be the violator itself!

So, what are we really celebrating today? Is it not better to ask ourselves whether a revised UN Universal Declaration of Human Rights is very urgently needed to hold up such an important promise to humanity? But will this ever be possible under the present global political and ideological conditions? As you all, I know many, many states that have no interest at all to change a clawless and toothless declaration of human rights into a binding and effective protection system of human rights.

Let me come to another important problem: “Can these human rights be enjoyed by all people?”. When I lecture on issues of fundamental rights and equality to my students, I always ask them the following question “What do you think are the three most important decisions that everybody should make before she or he is born?”. Students are first

amused by this seemingly ridiculous question. But then they start thinking and come quickly to the three well-founded conclusions: “Choose your parents carefully!”, “Choose the place of your birth carefully!” and “Choose your gender carefully!”. Yes, because the status of your parents determines largely the quality of your life and all your chances in society. And yes, there are many places in the world which may not be best choices for growing up under favorable conditions. And again yes, the ongoing discrimination of and perhaps even violence against persons of one sex are still dramatic and fundamentally unjust. So, the enjoyment of fundamental human rights very unfortunately depends on quite a number of prerequisites!

Many groups in society have a hard time when it comes to the guarantee of their fundamental rights. Let me just mention the one I am closely dealing with: older persons. Most of us are aware of the fact that the older a person gets, the more she or he may become dependent on fundamental rights and, at the same instance, it becomes for these persons more and more difficult to claim respect for their rights. A loss of capacities and growing dependency can severely undermine the recognition of older persons’ dignity, their needs and their aspirations – which frequently creates high barriers for them to access rights and justice.

Let me phrase it like this: “There is absolutely no retirement from dignity and human rights when reaching pension age!” or, as it is the title of my presentation “Human rights don’t end at 70!”. Older persons are rightful members of society – without any restriction.

But who is going to help in all these cases of denial of fundamental rights? Where are the forces that take care of the key processes indispensable for the implementation of fundamental rights – the claiming, the defense, the monitoring and the evaluation of human rights? Who can actively act for the full enjoyment of human rights **by all, at any age**, on the basis of “a society **for all**”?

Here lies the paramount importance of civil society organisations – in general, and in particular of the ones created by older persons or acting for their well-being. They must vigorously stand for the concerns of older persons and defend their rights. But they cannot guarantee them and they should not pretend doing so.

It is only the State - the “State of Law” as Plato has postulated it - which can and must act, with its legal and serving institutions, as the guarantor of all fundamental rights. But is every single State really living up to its responsibilities? We can have serious doubts about this.

To truly and reliably do so, the State should act - through its political bodies and agents - by taking fully into account Aristotle’s enlightening statement on the nature of justice, when he says: “It is a violation of justice when equal people are treated unequally – but it is equally violating the principle of justice when un-equals are treated equally”. This maxim should be the overall, permanent guiding principle for all politicians and all other decision makers having responsibilities for people in society.

Ladies and gentlemen, dear colleagues and friends!

Nevertheless, we can state, in a global perspective, that the enjoyment of fundamental human rights and freedoms for all is presently still or even more and more again under threat. But there is also some hope for the future provided by a remarkable best practice achievement in one of the world’s regions. The 2002 Charter of the Fundamental Rights of the European Union not only covers all five categories of fundamental rights – the political, civic, economic, social and cultural ones – but also puts behind it a most powerful court to enforce them: the European Court of Justice.

Even though this Charter of Fundamental Rights primarily binds the institutions of the European Union in all its acting and the Member States only when they apply Union law in the national context, this somewhat courageous “innovative” approach can serve as an excellent and promising case for “creative imitation” in other regions and at global level.

To give you just one interesting example: An article of the Charter clearly states „The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life”. A great promise, indeed!

The bad news is that hardly any of the European citizens is aware of this important instrument of rights and justice. I presume that no more than three percent of the total population knows about it. And what

further shocks me is the fact that only very few cases of violation have so far been brought to the European Court of Justice. Not too surprising, after all, considering its low level of awareness.

Ladies and gentlemen, dear colleagues and friends!

To end with, I would like to draw a couple of conclusions from my today's reflections on the 70 years' anniversary of the United Nations' Universal Declaration of Human Rights.

The consequence for us is to fully recognize that there is a huge responsibility of everyone – of you, and you, and me - in insuring that fundamental **rights become a reality for all**. This responsibility can be exercised, among others, by the following attitudes:

We should all judge politics according to the degree of protection and promotion of **human rights they provide for all** – and vote for parties and personalities accordingly.

We should all look after the full implementation of fundamental rights **for all under all circumstances and at any age** – and denounce all violations.

We should all together combat vigorously any discrimination and segregation – and do our possible best to promote **justice and full social inclusion of all**.

We should all help to create dignifying and empowering living conditions **for all, everywhere - at any age**.

We should all together work strongly for a revision of the Universal Declaration of Human Rights aiming at a **comprehensive coverage of all fundamental rights**, more **solid and efficient instruments** for its implementation and **an international court** to give people **access to their rights and protection in case of their violation**.

I wish us all a lot of success in our common endeavors – even though it will certainly be a long and sometimes frustrating journey. But for this we are civil society – determined, strong and never giving up when it comes to the defense of people.

Thanks a lot for your kind and patient attention!