

Mary Robinson

Realizing Rights

Fulfilling Humanity's Promise to Itself

This year marks the 60th anniversary of the Universal Declaration of Human Rights. It presents an opportunity to reassert the central importance of international human rights standards in achieving a more just and sustainable future. Recent trends in realizing the promise of the Universal Declaration of Human Rights have not been positive. Due in significant part to national and global responses to the terrorist attacks of September 11, 2001, human rights in this decade have been marginalized and in some cases undermined. But further deterioration can be halted and progress resumed, first by reclaiming and then reinvigorating the message of human rights. I can think of no better way of doing so than by reaffirming the Universal Declaration's vision of rights and responsibilities as a "common standard of achievement" for all peoples and all nations.

REAFFIRMING THE MESSAGE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Recall for a moment the world of 1948, the year the Universal Declaration came into being. Nations were emerging from a devastating world war, from the Holocaust, and the first use of nuclear weapons against civilians. The Cold War had begun. People were searching for common threads that would bind nations together and increase human security for all.

Into that space came a small group of men and women from different backgrounds, cultures, and faiths, led by a remarkable woman, Eleanor Roosevelt. Their mandate, as part of the new U.N. Commission on Human Rights, was to craft the first international articulation of the rights and freedoms of all of humanity.

The result of their efforts—the Universal Declaration of Human Rights—offered a vision of a shared humanity and of shared responsibilities to each other

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This essay is based on remarks made by Mrs. Robinson at Harvard Business School, Boston, Massachusetts, on April 28, 2008, on the occasion of the U.S. Network Meeting of the United Nations Global Compact.

no matter what part of the globe we inhabit, no matter our color, religion, sex, or livelihood. Sixty years later, the Declaration—and its careful balance of individual freedoms, social protection, economic opportunity, and duties to community—is the one international human rights instrument that all governments have repeatedly affirmed, most recently at the 2005 UN World Summit.

One of the most under-appreciated parts of the human rights story of the past six decades is the extent to which this single text has exerted a moral, political, and legal influence around the world. The Universal Declaration has been a primary

source of inspiration for all post-war international legislation in the field of human rights. Its provisions have served as a model for many domestic constitutions and laws, regulations and policies that protect human rights. Most importantly, the Declaration has been a beacon of hope for millions during long years of oppression.

But this positive assessment obviously needs to be tempered. As the International Council on Human Rights Policy, one of

the partner organizations in the work I now lead at Realizing Rights, has stated in a recent publication:

As their standing and influence have increased, human rights have also been more actively contested, by more powerful actors. Where formerly they were tolerated because considered marginal... the frequent references made to human rights in the context of North-South relations, and most recently the force of human rights legal criticisms of the conduct of the 'war on terror' have caused many governments to want to restrict or reverse the application of human rights. Criticism of human rights has become more widespread and explicit, especially in wealthier countries.... Opposition and influence have risen together, creating a degree of disorientation.¹

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over the past 60 years, massive rights violations continue today. Having law on the books hasn't resulted in universal human rights protection. Genocide is happening again. Widespread discrimination against women and minorities takes place around the globe. Basic standards for work are ignored. Poverty is trapping many millions in lives of despair.

FROM DECLARATION TO ACTION:
REALIZING RIGHTS IN THE 21ST CENTURY

So what are the lessons to be learned for future efforts not only to protect human rights, but also to work proactively to ensure their realization? Many exist. Here I focus on five, each of which is illustrated by one or more of the cases from this special edition of *Innovations* journal focused on the theme of "realizing rights."

A first lesson—perhaps an obvious but often unstated truth—is that in large areas of the world great numbers of people remain poor and their governments lack resources as well, and as a result they look primarily to their own local communities for support and assistance. In essence, they cannot claim their rights as envisioned under human rights instruments. Think of this in the context of work. The vast majority of the world's workers—including the poorest, those most in need of protection—are in the informal sector. This creates an acute practical challenge for governments.

To create conditions in which the human rights of very poor or marginalized communities can be protected, governments will need to find new ways of reaching into and serving such communities, and human rights organizations will need to find new ways of winning their trust. In my view, these things can probably only be done by building alliances with organizations that have a long-term presence in such communities—religious organizations, community groups, development NGOs, and others.

The struggle for human rights is inevitably a struggle for power, and one that is generally tied to resources. Policies and programs that address economic and social inequalities are a necessary underpinning for promotion of all human rights. The essay in this special issue of *Innovations* by Bunker Roy about the Barefoot College of Tilonia offers a powerful description of what economic and

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social empowerment of the marginalized means, and the remarkable dividends that such empowerment can yield.

Finding ways to safeguard legal rights is another vitally important aspect of the empowerment of the marginalized. Over the past year I have served on the Commission for the Legal Empowerment of the Poor, chaired by Hernando de Soto and Madeline Albright. Our Commission has emphasized the importance of access to justice and the rule of law in guaranteeing all other rights. Safeguarding

the rights of those living in poverty is a challenge we all must face if we hope to create more inclusive, prosperous, and fairer societies.

This leads to a second lesson and challenge—more must be done to support developing countries in building their own national protection systems for human rights. By national protection systems, I mean the institutional arrangements that function under the national constitutional and legal order to ensure that human rights—based on the international commitments of the State—are protected. That includes the courts, the legislature, as well as national human rights institutions or

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human rights commissions. It also includes health and education systems and other public services. This must be complemented by space for civil society and human rights defenders, and support for their relationship with the formal system of promoting and protecting human rights.

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Another essay in this special edition, written by Karen Tse, tells the story of how one woman with an exceptional commitment to justice is developing new approaches to support the work of public defenders. While the work of International Bridges for Justice has focused to date on China, Cambodia, and

Vietnam, it has significant implications for much of the rest of the world—the ultimate objective being nothing less than ending the practice of torture in this century.

Support for capacity building brings me to a third challenge—defining international obligations more concretely. There has been growing acceptance in recent decades of the need to create forms of legitimate supra-national authority because action taken only at national level will not solve many of the world’s complex problems. We know many such problems, including climate change, trade imbalances, the spread of pandemics and new diseases, the illegal trade in weapons and indeed people, and the regulation and monitoring of nuclear technology, among others.

In all these cases, international coordination and collective action are required if we hope to see positive change. Yet the reality is that today states are frequently unable to achieve effective cooperation. The exceptions are in those cases where short term national interests are evident. This weakness can also be seen in human rights law, which has not yet evolved to deal with the transnational responsibilities of states.

Consider the urgent human rights dilemmas posed by climate change. Few dispute that climate change is likely to undermine the realization of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter, and property; the rights of indigenous and traditional peoples; rights associated with livelihood and culture, with migration and resettlement, and with personal security in the event of conflict.

The most dramatic impacts of climate change will likely occur—and are already being experienced—in the world’s poorest countries, where rights protections are often weak. Populations whose rights are poorly protected are less equipped to know about or prepare for climate change effects or to be able to lobby effectively for government or international action. Added to this, responsibility for impacts in the most vulnerable countries often lies not with the government nearest to hand, but with diffuse actors, both public and private, many of whom are located far away. Human rights law does not easily reach across national borders to impose obligations in matters such as these.

Although human rights advocates and international legal bodies are increasingly interested in so-called “extraterritorial” obligations, new norms and agreed practice in this area won’t emerge rapidly. Over the short term, the “delivery gap” between the need for effective international action on global issues and the ability to achieve results will in all likelihood widen with increasingly harmful effects on individuals and communities, and on the political credibility of governments.

As I have noted elsewhere, both organizational and individual political trust depend on credible policy-making, but that political trust does not emerge or operate in a vacuum. Social trust, referring to citizens’ confidence in each other as members of a social community, is closely linked with political trust.² Governments have many tools to foster social trust, including economic and social policy-making that reduces marginalization and inequalities, and fighting crime,

Text Box 1: The United Nations Global Compact

The Global Compact is a United Nations led corporate citizenship initiative presently involving over 3,000 companies from around the world who voluntarily commit to upholding the following ten principles:

Human Rights

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: Make sure that they are not complicit in human rights abuses.

Labor Standards

Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4: The elimination of all forms of forced and compulsory labor;

Principle 5: The effective abolition of child labor; and

Principle 6: The elimination of discrimination in respect of employment and occupation.

Environment

Principle 7: Businesses should support a precautionary approach to environmental challenges;

Principle 8: Undertake initiatives to promote greater environmental responsibility; and

Principle 9: Encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

Source: <www.unglobalcompact.org>

conflict, and other forms of social instability. The cornerstone of trust and legitimacy in democratic societies is the ability of nations to accomplish leadership succession through free and fair elections. The case in this issue by Ian Schuler of the National Democratic Institute provides a fascinating illustration of how cell phones can today be used as tools in election monitoring. While still limited in their application, such new approaches hint at a world in which the routine of regular, legitimate elections is one experience by the overwhelming majority of the world's population, and not a fortunate few.

The current absence of legitimate national governments in too many places

compounded by ineffective international governance has led to an increasing focus on the human rights responsibilities of non-state actors—the corporate sector being front and center in this debate, given its power and influence in today’s world. Defining the nature and scope of corporate responsibilities more precisely is a fourth challenge I see for the years ahead.

We all know that numerous factors lie behind the greater business emphasis on human rights: strong ethical convictions of some leading executives; calculation of reputational risk; the impact of public opinion; the behavior of peers and competitors; staff loyalty and performance and new international policies. There is also recognition from corporate leaders that a stable, rule-based society is essential to the smooth running of a business. Companies need assurance that their contracts will be enforced in a court of law and that their property and investment will be protected.

Thanks to initiatives like the United Nations Global Compact (see Text Box 1), more companies have come to see that upholding human rights principles consistently throughout their operations helps contribute to the devel-

opment of effective legal systems. In addition, by speaking out for and supporting the rule of law companies can help to create fertile ground in which human rights can flourish. New Global Compact networks have been established recently at the regional level for countries of the Gulf Cooperation Council and at the national level in Russia. These developments are important indicators of business community commitment to human rights, labor and environmental standards and the fight against corruption.

In this domain, few have done more than the author of the other lead essay in this special issue, Peter Eigen. Through his work as the founder of Transparency International and now also as the Chair of the Extractive Industries Transparency Initiative, Peter has demonstrated vision and courage in tackling the problem of corruption that, when he began, few would even openly acknowledge existed.

The more deeply we engage in these issues and the more progress we make in their resolution, the more also we realize how much work remains. For example, voluntary initiatives on corporate responsibility like the Global Compact, which

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have expanded enormously in recent years, have not yet engaged many state-owned enterprises from emerging market economies, which are fast becoming important players on the global stage. At the same time, multi-stakeholder efforts that seek to clarify corporate responsibilities on a range of thematic issues—such as labor rights violations, threats to personal security, and freedom of expression, among others—have generally not developed adequate reporting and accountability practices to ensure their legitimacy among stakeholders and the public. These are enormous challenges still to be addressed.

Equally important, the effort needed to integrate human rights values into corporate culture obviously requires substantial resources for training programs and

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continuous improvement. Sending the message to employees that the company believes in the broad human rights agenda and that this should be a key part of business decisions at every level is much easier said than done.

Prof. John Ruggie of Harvard's Kennedy School of Government, in his role as United Nations Special Representative of the Secretary General on business and human rights, has made a vital contribution over the past

three years in making the case that all corporations have a responsibility to respect human rights. In his most recent report (included in this issue of *Innovations*), he has put forward a policy framework built on three principles: to Protect, Respect, and Remedy.³ It involves the state obligation to protect against human rights abuses committed by corporate actors, the corporate responsibility to respect all human rights, and the need for effective remedies. Prof. Ruggie has suggested that the corporate responsibility to respect all human rights should be realized through a number of actions, including:

- adopting a human rights policy
- taking proactive steps to understand how existing and proposed activities may affect human rights

- ensuring regular updates on the impact and performance of human rights
- providing for effective grievance mechanisms to address alleged breaches of human rights standards.

Finally, let me turn briefly to a fifth challenge. It concerns the role of employment and wealth creation in contributing to the realization of a range of human rights. Human rights advocates have said too little about this subject to date. Valuable work has been done to bring a human rights perspective to budget analysis and to aid allocations, for example. But new forms of human rights analysis on employment, economic activity, and equity—and closer cooperation with organizations that specialize in these areas, such as trade unions and companies—will be required in the years ahead.

How do we increase power in markets for the poor? If their main asset is labor, how must we support them through legislation on decent work—which includes not only avoiding child labor and forced labor, but also creating “just and favorable conditions of work,” and “just and favorable remuneration” that ensures an existence worthy of human dignity, as the UDHR puts it? How do we reassert the importance of freedom of association and growth in the U.S. and Europe, but which are under attack today?

We at Realizing Rights are supporting the efforts of the International Labor Organization and the growing number of civil society actors who are rallying around the concept of “decent work.” We believe the wider human rights activist community has an important role to play in thinking with private sector leaders about the challenges of generating decent employment opportunities for the future that also contribute to sustainable development. For example, some major companies have been prepared to examine their whole value chain in a developing country context to see in what ways they could change their local purchasing or distribution to create more local sustainable jobs. I hope we can develop such approaches further in the time ahead.

AN OPPORTUNITY TO REAFFIRM A COMMON BIRTHRIGHT

The 60th anniversary of the Universal Declaration this year presents civil society organizations, governments, universities, faith-based groups, companies, and others around the world with an opportunity to reaffirm the importance of human rights as our common birthright and help set a positive agenda for human rights for the 21st century.

With the aim of making the most of this opportunity, the Elders—the group of leaders brought together last year by Nelson Mandela, of which I am proud to be a member—have launched the Every Human Has Rights campaign. It calls on all of us to make a personal pledge to live by the principles of the Universal Declaration. I encourage you all to learn more about the campaign and get personally involved by visiting www.everyhumanhasrights.org.

Peter Gabriel, whose idea served as inspiration to help form the Elders, describes in this issue how technology increasingly plays a central role in ensuring

accountability, whether of government or non-governmental actors. Peter was among the first people to see how the new generation of technologies could be put to use in the defense of human rights. Here he reflects on how a concert tour organized twenty years ago in honor of the 40th anniversary of the Universal Declaration of Human Rights prompted him to launch WITNESS, an initiative dedicated to assisting people in using audio-visual technologies to document human rights abuses first through video and today via the Internet. WITNESS used the most deeply human of approaches to induce action on human rights: bearing witness. We are pleased that WITNESS is a key partner in the Elders' Every Human Has Rights Campaign and that we are working with a range of partners to help reaffirm and reclaim the importance of the commitments and obligations in the Universal Declaration.

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ANNEX: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10th, 1948, the newly formed United Nations adopted a universal declaration that transcended cultural and national boundaries. The Universal Declaration of Human Rights established a common standard for human achievement for all peoples and all nations; rooted in the values of freedom, equality, solidarity, tolerance, respect, and shared responsibility. The full text of the declaration in English follows below.

In December 2007 the Elders joined with partner organizations around the world to launch the Every Human Has Rights campaign, celebrating an idea that took shape sixty years ago this December. To learn more about this initiative and to find versions of the Declaration in other languages, see <everyhumanhasrights.org>.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations

between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

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.

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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 per-

secution.

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 univer-

sal 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.

1. International Council on Human Rights Policy, *Catching the Wind—Human Rights: An Anniversary Reflection*, page 7, available at

<[http://www.ichrp.org/files/reports/4/133_Final_for_web.pdf#search="](http://www.ichrp.org/files/reports/4/133_Final_for_web.pdf#search=)>.

2. See statement delivered by Mary Robinson to the 7th Global Forum on Reinventing Government: Building Trust in Government, United Nations Headquarters, Vienna, 26 June 2007. <unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN026656.pdf>

3. John Ruggie, “Protect, Respect and Remedy: a Framework for Business and Human Rights” (Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises), United Nations Press Release A/HRC/8/5 7 April 2008; <<http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A-HRC-8-5.doc>>.