

60th Anniversary of Universal Declaration of Human Rights

Joint Statement of The Law Society of Hong Kong and The Hong Kong Bar Association

In the aftermath of the Second World War, drafters of the Declaration saw a world fraught with fear, injustice, and disharmony; a world where people were discriminated against, persecuted and deprived on a daily basis; a world in which men women and children had been destroyed simply because of their ethnicity or beliefs; a world in pain. The Declaration was adopted as a global statement embodying the quintessence of a common humanity bound together by inherent and inalienable rights, and recognizing within those rights the fundamental concept of human dignity.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948 as the first universal statement on the basic principles of inalienable human rights in the civil, political, social, economic, and cultural realms.

From this foundational document, a number of human rights covenants have sprung, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), both of which are incorporated into the laws of the HKSAR through Article 39 of the Basic Law. There is, thus, a special link with the basic rights of humankind set down 60 years ago, with those we enjoy today.

As lawyers, we have a special role as guardians of the rule of law and of basic rights and freedoms of our fellow men and women. This is not theoretical or aspirational, but practical and day-to-day. As such, it is vital to remember that although the Declaration is widely accepted as a principal document encompassing the scope and standards of a human rights regime, the *universal nature* of the Declaration has sometimes been neglected. In Hong Kong, human rights have often either been discounted as nebulous ideals, treated like commodities subject to a “pick and choose” mode of implementation, or shrugged off by some as unnecessary in an otherwise stable and economically robust society. On the contrary, the rights set out in the Declaration and in the multiple conventions adopted and applied

throughout the world since, are a vital underpinning of the day to day laws regulating the interplay between the government and the people, between the powerful and the weak, between one human being and another.

The 60th anniversary of the Universal Declaration of Human Rights is an appropriate occasion for us to reflect and gauge our role as lawyers – as custodians of universal human rights standards. It has been said that "the greatness of nations is shown by their strict regard for human rights, rigid enforcement of the law without bias, and just administration of the affairs of life." The legal profession plays a vital role not only in the administration of just laws but also in challenging those which are unjust and fall short of the ideals and goals enshrined in the Declaration and in our Basic Law.

As lawyers in Hong Kong, we cannot permit ourselves to be divorced from or remain ignorant of international human rights developments. We have a duty to familiarize ourselves with the growing international jurisprudence of human rights and contribute to it.

We acknowledge that it is not merely a professional responsibility but a social and ethical duty for us to protect the physical, moral and intellectual integrity of the individual. This duty asks that we constantly review our legal regime to ensure that law is never used to support an unjust system or to excuse inaction in the face of abuse of power, and to ensure that the ambit and application of law never involves any derogation from the fundamental rights of the individual, bearing in mind that an injustice committed against any one person is a threat to the very rule of law.

In the context of human rights, there is always a need for ceaseless reflection, evaluation of action, and progress. Only by so doing can the noble words of the Declaration be translated into legal reality for the benefit of the people we serve, and as witness to the spirit of the profession to which we pledge our allegiance.

Hong Kong, 9 December 2008