

## The Continuing Universality of the Universal Declaration

### A Continuing Problem

The Universal Declaration of Human Rights has provided an essential starting point for what is proving, fifty years on, to be a momentous journey in human history. Much has been resolved and has developed yet further since 1948. But it is a sad reality that, after all these years, there is still disagreement as to the real universality of the rights proclaimed in the Universal Declaration.

It seems that each time there is a major international occasion for human rights stocktaking or for human rights commemoration, States who have chosen to stay outside of the human rights treaty system take the opportunity to try to put in doubt the very concept of universal human rights. This was done in the run-up to the second World Conference on Human Rights in Vienna in 1993; and we have seen it again in preparations for the 50<sup>th</sup> Anniversary commemorations of the Universal Declaration.

By the early 1990s, large numbers of States, from all corners of the world, had become parties to the two Covenants and the other treaties, had participated in the monitoring processes, and had become committed to the concept of universal rights in respect of which there was a legitimate international concern. On that basis the Human Rights Committee under the International Covenant on Civil and Political Rights, for example, held extended examinations of the United Kingdom and India, of Canada and Iran, of Luxembourg and of Iraq; and has heard legal cases concerning countries as diverse as the Netherlands and Zaire, Ecuador and Australia, Finland and Libya. It had painstakingly built up a global confidence in these processes. But a certain number of States have chosen not to engage in the process at all. These States seized the occasion to call in question the entire UN treaty system – and indeed, the entire idea of human rights as universal. The Vienna Conference, intended as a ‘stocktaking exercise’, was rather to be the vehicle for rejecting ‘Western rights’ and the international instruments, and for pushing instead for regional instruments that would reflect the ‘cultural and religious particularities’ of the regions.

In the event, the universalist perspective was confirmed in all the various regional preparatory groups, and in the text of the Vienna Declaration itself, concluded unanimously at the Conference. It contained the following elements: the universal nature of human rights norms is said to be ‘beyond question’. Further, human rights are not only universal, but indivisible, interdependent and interrelated. One cannot pick and choose; economic and social rights are real rights too; and, importantly,

‘While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.’<sup>1</sup>

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<sup>1</sup> A/CONF.157/23, *Vienna Declaration and Programme of Action*, 12 July 1993, para. 5.

The call to reject the Universal Declaration as truly universal has been heard again in certain quarters during these last few months, and as we open our commemoration of that remarkable document we are surely duty bound to look once more at this problematic issue.

Resistance to the universality of the Universal Declaration and the International Bill of Rights takes many forms. There are those Western States who have rejected Articles 22-28 of the Universal Declaration and their elaboration in the International Covenant on Economic, Social and Cultural Rights as universal rights, terming them instead socialist or welfare State aspirations. There are other States who assert that the totality of the Universal Declaration and its descendant instruments reflect an individualism that is at odds with Asian values. There are Islamic States who deem certain rights in these instruments to be incompatible with Islam. Further, the desirable policy of perpetuating tribal cultures has sometimes also clashed with notions of universality. And China offers particular perspectives on the question of universality.

### **Western Rejections of Economic, Social and Cultural Rights**

It is undeniable that the West has not treated economic, social and cultural rights with the same seriousness as civil and political rights. In the past decade more and more first world countries have been prepared to ratify the International Covenant on Economic, Social and Cultural Rights. But firm domestic measures to attain these rights are rarely in place and there has been a marked resistance to structural and organizational proposals suggested by the Committee under that Covenant.

At the same time, interesting linkages are now being made. The connections between trade law and human rights, and trade law and the environment, are becoming well-developed. And the recent financial crisis in the world markets have made far-sighted decision-makers realize that they have to move beyond 'good governance' conditionality in loans. As Jim Wolfensohn of the World Bank has put it, the international financial agencies must push for social justice, because in its absence no amount of financial packages can achieve stability.<sup>2</sup> The demanded economic reform should go hand in hand with improved social justice. And Lamberto Dini has urged international financial institutions to look at society as a whole, and not just at the financial dimensions. For him, human rights are a component of institutional strategy.<sup>3</sup>

### **Asian Values and Universalism**

In some Asian countries, it has been said that human rights, as articulated in the Universal Declaration, elevates the individual and disembodies him from the community in which he exists. These countries perceive 'Western human rights', with their emphasis on the individual, as encouraging the decline of moral authority and public order and as laying the foundation for the export of these evils into their own societies. The anxieties

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<sup>2</sup> As cited in: *International Herald Tribune*, 8 October 1998, p. 1.

<sup>3</sup> Article written for *International Herald Tribune*, entitled 'Global Markets Need Global Institutions', 9 October 1998, p. 11.

have been expressed with great clarity in the 1991 statement of the Government of Singapore, *Shared Values*.<sup>4</sup> It asks ‘Can we build a nation of Singaporeans, in South East Asia, on the basis of values and concepts native to other peoples, living in other environments?’ It continues ‘(...) we shall preserve the cultural heritage of each of our communities, and uphold certain common values which capture the essence of being a Singaporean’. The Government paper states that there are in reality Western values and Asian values, with the former emphasizing the rights of the individual and the latter the interests of the community. ‘The core values of the Asian Society are identified as placing society above self, upholding the family as the building block of society, and resolving major issues through consensus instead of contention.’<sup>5</sup> Concern with the individual should rather be directed towards the obligations of the community to look after its less advantaged members.

There is obviously much that is understandable, indeed admirable, in these sentiments. The question for deliberation is whether the notion of responsibility to community and to family is really inconsistent with the rights articulated in the Universal Declaration, and whether they are jeopardized by such notions as free speech, freedom of religion, no detention without trial, fair trial, and so forth.

There also exists the sentiment – not spoken in the analysis of the Singapore Government, but widely held in Asia – that so-called universal rights are Western ideas, imposed upon Asia to undermine its chosen path towards economic success through internal stability. From this perspective, human rights are but a form of neocolonialism, serving to strengthen the dominance of the West. And there is resentment that the West, whose history embraced slavery and apartheid, should now purport to speak for all humanity.

## Islam

There have undeniably been certain tensions between the idea of human rights as universal and the respect that is properly to be accorded to the various religions and their requirements. Islamic countries, in particular, have made it clear that they often cannot share in the perception of the International Bill of Rights as really universal.

Some of them do this from within the treaty system: they are parties, for example, to the International Covenant on Civil and Political Rights and produce their reports and come for examination. But during that dialogue, they insist that some at least of the rights they have voluntarily accepted, are not in fact to be regarded as applicable to them. Egypt, Morocco, Tunisia, Libya, Iran and Iraq would fall within this category. On other occasions, treaties are accepted but with a swathe of reservations. This has been the pattern with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). One must necessarily wonder, if a Convention is specifically directed to guaranteeing the rights of women, whether broadly based reservations to those rights are consonant with the object and purpose of that Convention. The question

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<sup>4</sup> Cmd.1 of 1991. See Yash Ghai, ‘Human Rights and Governance: the Asia Debate’, in: *Australian Yearbook of International Law*, Vol. 15, 1994, p. 11.

<sup>5</sup> *Idem*.

has a particular relevance for those very general reservations which simply reserve 'all articles not consistent with Shari'a', or make acceptance of the provisions of CEDAW subject to compatibility with the Shari'a.

And some Islamic States simply stay outside of the treaty system altogether, maintaining an almost total rejection of the international system for the protection of human rights or a very limited exposure to particular treaty obligations but perhaps not to the International Covenant on Civil and Political Rights. This latter position is true for Saudi Arabia, Pakistan and Bangladesh.

The problems seem centred in three main areas: the question of degrading punishment, the question of freedom of religion and the question of non-discrimination against women. But all arise for religious reasons.

### *Degrading Punishment*

All the leading instruments, regional as well as international, prohibit torture and cruel or inhuman treatment and punishment. But truth requires it to be said that what *constitutes* inhuman punishment is (save for the Anti-Torture Convention) not specified in the texts themselves. Are our perceptions on this matter culturally based?

The precept that punishment should not be inhuman *is* universal. The debate is about what constitutes such inhuman punishment. The grounds for assessment are, it must be conceded, less than objective and scientific. For example, stoning to death for adultery, or amputation as a penalty for robbery, are widely regarded as inhuman punishments. But certain States profess to find this not only permitted in Islamic law but actually required by the Shari'a. The declining standards of morality and public order in Western societies and the unacceptable levels of crime in these societies lend, in their eyes, common sense to the demands of religions. What is or is not 'inhuman treatment' is not, it seems to me, so much a matter of East and West, of secularism and religion, but of the development of ideas through time. Measures of punishment that we in the West considered entirely normal in the middle ages, in the 19<sup>th</sup> century and even in the early 20<sup>th</sup> century, we are repelled by today. And our changing views today on capital punishment and indeed on corporal punishment are but the latest development. So the dialogue on this issue is exceptionally difficult. Who is to judge what is inhuman punishment?

'Universal' clearly is not intended to mean 'that which is done in every region and country' – that would make human rights merely the lowest common denominator. 'Universal' must mean the protection that people everywhere are entitled to, regardless of race, creed, colour or sex. But the question still remains: who decides, when the text itself is not self-evident?

I think it is inevitable that the Inter-American Court of Human Rights and the European Court of Human Rights will decide for their instruments; and that bodies such as the Human Rights Committee or the Committee under the Anti-Torture Convention<sup>6</sup> will decide for those instruments. The guarantee against these decisions being 'Western'

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<sup>6</sup> Which is in fact more specific on these matters.

and insensitive to cultural variations lies in the composition of those bodies – their composition exactly reflects the make-up of the States Parties.<sup>7</sup>

### *Freedom of Religion*

The provision of the Universal Declaration on religious freedom is to be found today in the International Covenant on Civil and Political Rights (Article 18). It has been elaborated in General Comment No. 22 of the Committee<sup>8</sup> and in other leading instruments on the topic. There is no ambiguity as to what is required. But the right to choose freely one's religion, or to hold no religion, or to change one's religion, and to manifest one's beliefs with others in teaching and worship, is clearly not regarded as universal. Some Islamic States have informed the Human Rights Committee that only 'religions of the book' are permitted – that is, the religions of Islam, Christianity and Judaism. This has had particularly negative implications for people of the Bahá'í faith. Others have explained to the Committee that apostasy – leaving one religion for another – is punishable by death. The insistence that this means that the principles enunciated in Article 18 of the Universal Declaration cannot be regarded as universal, is somewhat tempered by the fact that other Islamic States seem more readily able to accept the totality of Article 18, apparently finding these constraints *not* dictated by the Shari'a.

### *Women's Rights*

The texts of all the international instruments insist that there shall be no discrimination as to rights on grounds of, *inter alia*, sex. The obligation is clear and specific, and is further elaborated in General Comments and in the CEDAW and the practice under it.

There are nonetheless clearly problems for Islamic States with respect to this human right, and many regard insistence upon it as an imposition of Western values – many of them lax and regrettable.

When I was on the Human Rights Committee, it was striking how greatly representatives of Tunisia, Morocco, Iraq and Iran differed among themselves as to what was required in Islamic law and culture so far as the status of women is concerned. For Afghanistan, and to a lesser extent, Iran, certain restrictive consequences for women in the educational field necessarily flow from the Shari'a. To Iraq, Tunisia, Egypt and Morocco, this is not at all apparent, and women have much greater freedoms. And the expert from Morocco, speaking at the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1998, termed the Universal Declaration 'inadequate' precisely because it contained no real substantive article consecrated to the rights of women.<sup>9</sup>

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<sup>7</sup> During my time on the Human Rights Committee, we always had three or four Islamic members.

<sup>8</sup> General Comment No. 22 (Article 18), adopted by the Committee on 20 July 1993, reproduced in: A/48/40, Part I, Annex VI.

<sup>9</sup> UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, 50<sup>th</sup> Session, agenda item 12(a), 26 August 1998.

There are, however, commonly held views in Islamic countries that full equality of women in such matters as inheritance, divorce, custody of children, is not permitted for reasons of religion and culture.

### **Tribal Cultures**

It is not only Islam which has difficulty reconciling the International Bill of Rights with the role of women. The Human Rights Committee has heard from various African Governments how their good intentions in honouring the International Covenant on Civil and Political Rights are constrained by considerations of customary law in their countries – customary law that reflects a tribal culture which also requires respect. Traditional roles and limited freedoms are envisaged for women. And the question of the compatibility of the practice of female genital mutilation with Article 5 of the Universal Declaration is much debated. Some countries apply the Covenant provisions in the main – and have no problem as perceiving them as applicable to Africa – but allow tribal autonomy in specific subject areas. The rights most affected include the right to fair trial, and to protection against inhuman punishment. Tribal practices often have their own procedures for judging guilt and their own sense of what is appropriate punishment. This is a far from easy question, with decision-making on the local level, respecting local cultures, sometimes pulling against rights that the Declaration regards as universal.

### **Universal Rights but Sovereignty in Implementation: the Chinese Argument**

Socialist Eastern Europe, unlike some of the countries of South East Asia, never chose to stand outside of the human rights system. They were early adherents to the two Covenants and, later, to all the various UN human rights treaties on specific topics. They produced their periodic reports for the Human Rights Committee, and presented themselves for examination, with a promptness that far outperformed most Western parties to the Covenant. They accepted the rights as of universal character, but insisted that what was not universal was their application. The application of these rights would naturally depend, according to the old socialist view, upon the political systems in which they were to be given effect. In 1991, in its Government paper *Human Rights in China*, the Chinese Government stated that ‘despite its international aspect, the issue of human rights falls by and large within the sovereignty of each State’.<sup>10</sup> In 1993, China informed the Commission on Human Rights that the forthcoming World Conference in Vienna should:

‘reiterate the principle of State sovereignty contained in the UN Charter and international law which is the basis for the realization of human rights. Only when the State sovereignty is fully respected can the implementation of human rights be really assured.’<sup>11</sup>

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<sup>10</sup> Cited in: Ghai, *loc.cit.* (note 4), p. 8.

<sup>11</sup> E/CN.4/1993/SR.25, 17 February 1993, p. 2; and see Ghai, *loc.cit.* (note 4), p. 8.

Today, we can witness China beginning to embrace a modified philosophy. For various reasons – trade relations, international political pressures – China seems to be detaching itself from the South East Asian ‘total rejectionists’. Today China publicly acknowledges the universal pertinence of human rights. Indeed, China has recently signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and stated its intention to proceed to ratification. This has been done, not just for Hong Kong – a solution much hoped for in the context of the treaty arrangements with the United Kingdom for the return of Hong Kong to Chinese rule – but generally for China. And no one can forget that the UN Fourth World Conference on Women in 1995 was held in Beijing.

By the autumn of 1998, President Clinton was being told by Chairman Ziang that he should feel free to raise with him ‘any issue whatever’. Current Chinese thinking is revealed in the interesting speech of Fan Guoxiang on 26 August 1998 at the special meeting of the Sub-Commission on Minorities to commemorate the 50<sup>th</sup> Anniversary of the Universal Declaration. He stated: ‘Human rights, as an important component of social superstructure, are closely linked with the economic, social and cultural conditions of a regime during a particular period.’

After tracing the progressive realization of human rights as an historical development process, and making particular reference to the evolution of the right of self-determination and opposition to apartheid, Fan Guoxiang continued: ‘The question of human rights is no more an European ideal.’ At the same time: ‘We should not be content ourselves to simply reiterate traditional ideas, and even less to remain in the cold-war concepts and practices – transplanting one single formula of human rights on all countries and regimes.’ And: ‘(...) various countries will inevitably have to face the different human rights problems marked by their own features.’<sup>12</sup>

The point of contention now is rather focused on the concept of variable implementation. The rights are in principle accepted: the debate is about whether there are common standards in putting them into practice, or whether that aspect is left to sovereign discretion.

## **The Way Forward**

### *Legitimate Issues to be Addressed*

There is a range of legitimate concerns which must be addressed if non-Western nations are to feel that the rights in the Universal Declaration are truly universal. There is, happily, evidence that this is beginning to be understood.

Thus more and more Western Governments, and experts in human rights from Western countries, appreciate that the Universal Declaration protects certain economic, social and cultural rights as well as civil and political rights. These rights, now expanded and elaborated in the International Covenant on Economic, Social and Cultural Rights, are to be acknowledged as full legal rights, whose effective implementation is to be taken every bit as seriously as civil and political rights.

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<sup>12</sup> *Op.cit.* (note 9).

The UN High Commissioner for Human Rights, speaking to the Council of Europe on 2 September 1998, emphasized that we need to concentrate not only on political aspects of human rights, 'but also on chronic underdevelopment, grinding poverty, mass unemployment, widespread illiteracy and systematic inequalities of income and opportunities'. This is both because to ignore these is to deny economic and social rights, and because this state of affairs is frequently the cause of conflict and chaos – and yet more denial of rights. We have, says Mary Robinson, 'to develop a culture of prevention'.

It is certainly the case that in recent years the equal status of economic and social rights has come to be more and more accepted. But it is hard to disagree with the High Commissioner when she says that honesty still requires us to:

'recognize that there has been an imbalance in the promotion at the international level of economic, social and cultural rights (...) Extreme poverty, illiteracy, homelessness and the vulnerability of children to exploitation through trafficking and prostitution are telling indictments of leadership in our world as we end this millennium.'<sup>13</sup>

We must address these issues not only because this will assist in convincing third world countries that human rights are indeed universal, but because all human beings are entitled, as their birthright, to these economic and social protections.

The indivisibility of human rights – implicit in the very terms of the Universal Declaration and explicitly affirmed in the Vienna Declaration – has a double function. It reminds the developed world that economic, social and cultural rights have no less priority than civil and political rights; and it reminds the developing world that lack of economic advancement is no reason for denial of civil and political rights. As the Vienna Declaration put it, these rights are 'interdependent and mutually reinforcing'.

Somewhat related to this, of course, is the tricky question of the right to development. It is perhaps not politically correct for a human rights lawyer to refer to the matter in these terms, but the fact remains that, notwithstanding the adoption of the Declaration on the Right to Development by the General Assembly in Resolution 41/128 of 1986, and notwithstanding the formula agreed upon at Vienna whereby development was regarded not as a precondition for human rights but as the best guarantee of the effectiveness of rights, much is still unclear. 'It certainly does not have the quality of other kinds of rights, which inhere in individuals or groups and for the most part are entitlements against the State'.<sup>14</sup> The way forward here can surely only be the one suggested by Asbjørn Eide: '[T]he (...) task is to transform social, political, economic and cultural conditions both inside States and in the global society to make them compatible with human rights, in line with Article 28 of the Universal Declaration. Development simply means the expanding realization of all human rights for everyone.'<sup>15</sup>

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<sup>13</sup> *The Universal Declaration: a Living Document*, Keynote address by Mary Robinson, United Nations High Commissioner for Human Rights to Forum 98, '50 Years after the Universal Declaration of Human Rights', Geneva, 28 August 1998.

<sup>14</sup> Ghai, *loc.cit.* (note 4), p. 10.

<sup>15</sup> *Op.cit.* (note 9).



It is legitimate, too, for non-Western countries to ask that their perspectives on human rights be seriously studied.<sup>16</sup> Our approach must be inclusive and not exclusive. To that end, the High Commissioner has been holding regional symposia on human rights, and has welcomed and offered co-operation in the preparation of the forthcoming Islamic Commentaries on the Universal Declaration.

Another area in which bridges must be built is in the matter of duties. *Duties* to the State has the unwelcome ring of the old Soviet-style perceptions whereby human rights were rights to be exercised in furtherance of the prevailing political system. Further, there was the heavy implication that if political and social duties were not performed, entitlement to rights was forfeited. The existence of abusive Governments in Africa has also made the references to duties in the African Charter on Human and Peoples' Rights somewhat problematic.

But surely, with the Cold War behind us, we can feel less timorous in acknowledging that the individual *does* have duties towards others, and especially towards his family. Are we in the West really so sure that we offer the better model in supporting the aged, or relatives in need? A little humility here would not come amiss.

### *Responses of Principle*

There are bridges, then, to be built. But we are also right to insist upon certain irresistible truths. The Universal Declaration of Human Rights marked the acknowledgement that it is the concept of human dignity, rather than any one religion or political system, which guarantees the integrity of the human person.<sup>17</sup>

Human rights are often characterized as 'not universal' and 'destructive of regional values' exactly by corrupt politicians who preside over enormous disparities of wealth and power, who brutalize their populations and marginalize and destroy ethnic minorities. These truths must be said. It is for these reasons that third world scholars and activists can write words such as these:

'Despite the resistance of governments, the realization of human rights in each country is intimately tied (...) to wider global forces (...). It is necessary to recruit foreign interests to put pressure on domestic governments which deny their people the right to participate in decisions affecting their own destiny. For [those of us] concerned with the welfare and dignity of their fellow citizens, the right strategy should embrace the universalism and indivisibility of human rights.'<sup>18</sup>

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<sup>16</sup> For interesting recent developments, see the Arab Charter on Human Rights adopted by the Council of the League of Arab States in 1994 (but not yet ratified by any member), in: *Human Rights Law Journal*, Vol. 18, No. 1-4, 1995, p. 151 ff.

<sup>17</sup> Netherlands Minister for Foreign Affairs, Speech 'Universal Declaration: A Yardstick for Human Dignity', Peace Palace, 29 October 1998. See also B. van der Heijden and B. Tahzib-Lie (eds), *Reflections on the Universal Declaration of Human Rights. A fiftieth anniversary anthology*, The Hague: Netherlands Ministry of Foreign Affairs, Martinus Nijhoff, 1998.

<sup>18</sup> Ghai, *loc.cit.* (note 4), p. 23.

The expert of Sri Lanka, speaking at the special meeting of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities this summer, referred to the arguments concerning cultural relativism. He said:

‘It is my observation, Mr. Chairman, that almost always those arguments are raised not by the ordinary people, but by governments or groups in society which have much to lose by recognizing the universality and indivisibility of human rights. No ordinary human being would deny the need to be treated equally and with dignity, to speak freely, not to be arrested and detained arbitrarily, to be free from torture, to have an adequate standard of living, to be entitled to just conditions of labour and so on. To say these norms are nothing but a western development is to deny to non-western societies the humane and democratic legacies of their own religions and cultures.’<sup>19</sup>

Echoing this reality, UN Secretary-General Kofi Annan stated in 1997, in Teheran, that human rights are ‘what reason requires and conscience demands’. Accordingly, ‘When have you heard a free voice demand an end to freedom? When have you heard a slave argue for slavery? When have you heard a victim of torture endorse the ways of the torturer?’<sup>20</sup>

There is a further truth that we must not be afraid to remind people of, even while building bridges. At the end of the day, human rights are not for States, or for regions, or for economic free markets, or for religions, or for cultures. *They are for human beings.*<sup>21</sup> That is what they are all about.

So if you believe, as I profoundly do, in the universality of the human condition – you will believe that regardless of all these divisive social elements, all of us want the same basic things. We all want a certain security for ourselves and our families, the freedom to say and believe as we choose, enough to eat and a roof over our heads, and equality in pursuing our dreams and opportunities.

For that reason, we must reach out to Governments, to religious leaders, to regional spokesmen: but we must never fail to listen to the people. These are *their* rights. And it is for them that we must continue to insist upon the continuing universality of the Universal Declaration.

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<sup>19</sup> Statement by R.K.W. Goonsekera, 26 August 1998. See also the Final Draft of the Asian Charter on Human Rights, prepared by the Asian Human Rights Commission, an NGO, as cited in: *Netherlands Quarterly of Human Rights*, Vol. 16, No. 4, December 1998, p. 539-552. The need for this Charter is explained in the following terms: ‘Corruption and nepotism are rampant and there is little accountability of those holding public or private power. Authoritarianism has in many states been raised to the level of national ideology, with the deprivation of the rights and freedoms of their citizens, which are denounced as foreign ideas inappropriate to the religious and cultural traditions of Asia. Instead there is the exhortation of spurious theories of “Asian Values” which are a thin disguise for their authoritarianism.’

<sup>20</sup> *Universal Declaration of Human Rights Illuminates Global Pluralism and Diversity*, Statement by Secretary-General Kofi Annan on the fiftieth anniversary year of the Universal Declaration of Human Rights, University of Teheran, 10 December 1997.

<sup>21</sup> As the Final Draft of the Asian Charter on Human Rights states in para. III.1, *op.cit.* (note 19), p. 542: ‘We believe that rights are universal, every person being entitled to them by virtue of being a human being. Cultural traditions affect the way in which a society organises relationships within itself, but they do not detract from the universalism of rights which are primarily concerned with the relationship of citizens with the State and the inherent dignity of persons and groups.’