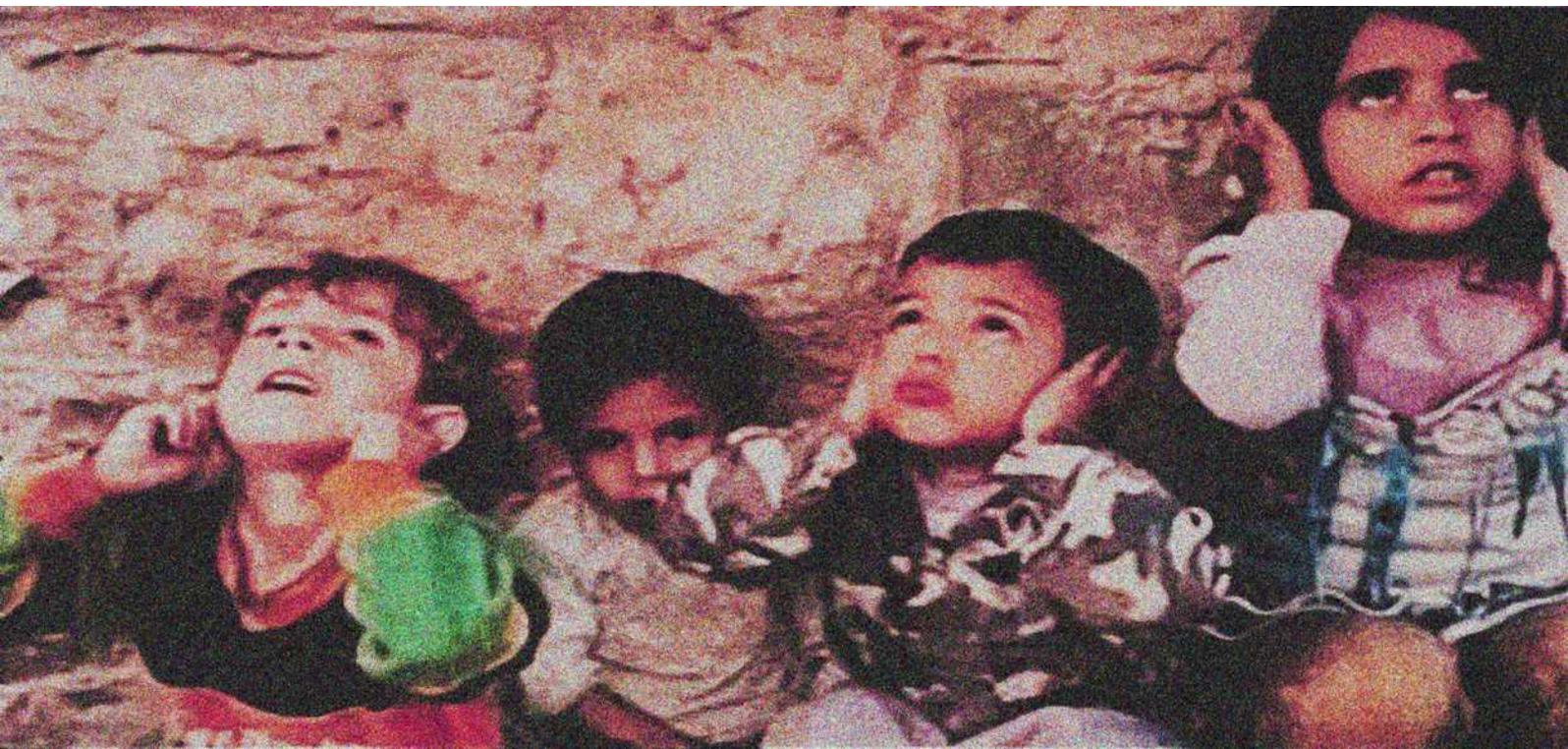


# Human rights under debate

**75th Anniversary of the Universal  
Declaration of Human Rights**





## Action of Christians for the Abolition of Torture

**Activist in the great struggle against torture, the death penalty and other  
cruel, inhuman and degrading treatment**

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**Access our website:**



DL: B 11724-2024

*The articles published in this monograph reflect only the opinions of their authors.*

# Presentation

This year, on December 10th, is the 75th anniversary of the Universal Declaration of Human Rights.

I am pleased to present, as representative of ACAT, a special publication, a monograph on the assessment and debate of this declaration, coordinated by our entity.

We have asked for articles on this subject to relevant people in this field and we are very proud to be able to present them to you.

As you will see, the writings are very varied, since human rights are very diverse. The aim of this monograph is to help us reflect and debate on this issue in order to see that, unfortunately, the situation is not at all flattering.

It is true that in 1948 the situation in this matter was not good, because there was great devastation and ruin caused by a great war, but we cannot consider the current one better, on the contrary, it is much worse, since today there are dozens of armed conflicts.

So, we invite you to read these articles. Go ahead!

Emili Chalaux i Ferrer  
President of ACAT

November 2023

In accordance with the good dissemination of the monograph, and due to the requests received, we have decided to prepare the English and French versions, to make available to more countries the good work done by the specialists and experts who have spoken about the Universal Declaration of Human Rights.

May 2024

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# Three dates and a letter

## Conxa Adell i Cardellach

Benedictine nun of the Monastery of Sant Pere de les Puel·les, Barcelona

On December 10th, 1948, the **Universal Declaration of Human Rights** was signed at the United Nations headquarters in Paris. It was, after the Second World War, a triumph of inalienable rights.

On December 16th 1966, eighteen years later, the **International Covenant on Economic, Social and Cultural Rights** was signed, which entered into force nine years later, on January 3<sup>rd</sup> 1976.

On December 16th 1966, the **International Covenant on Civil and Political Rights** was also signed, which entered into force ten years later, on March 23<sup>rd</sup> 1976.

These three documents make up the **International Bill of Human Rights**.

Here arrives paper and theory. The reality is that we are celebrating the 75th anniversary of a Declaration that has never been fully in force in its thirty articles. Valid yes, realized no.

ACAT focuses on article five: “**No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**” How many organizations are there around the world to protect these specific rights? And how many organizations have been created to protect the other twenty-nine rights?

It is good to celebrate the 75th anniversary of the Declaration, yes; but there are so many questions, so many open questions that remain unanswered!

Even today, in 2023, there are people who think that not all human beings are equal in dignity and rights, nor that they have to behave fraternally among themselves (art. 1). Not everyone has the rights and freedoms proclaimed (art. 2). Nor the right to life and security (art. 3). New forms of slavery and the slave trade have been created (art. 4). The imagination for new tortures is frightening (art. 5). Legal personality (art. 6) and equality before the law (art. 7) are not always recognized. We doubt that remedies will always be effective (art. 8) or that no one will be arbitrarily detained, imprisoned or exiled (art. 9). We would like everyone to be heard by an independent and impartial tribunal (art. 10), for innocence to prevail and for penalties not to exceed those applicable at the time of the crime (art. 11). There is no need

to speak of the right to privacy (Article 12), to freedom of movement (Article 13), or to seek asylum (Article 14). Nor do we need to talk about the right to nationality (Article 15), to marry (Article 16), or to property (Article 17).

And, even more, the right to think and believe (Article 18), freedom of expression (Article 19), freedom of assembly (Article 20). How can we understand that the will of people is the foundation of the authority of the State (art. 21)? What do we mean by the right to social security (art. 22) and to work (art. 23)?

We do not need to talk about the right to rest, to a reasonable working day and to paid holidays (Article 24), or the rights of families (Article 25), or the right to education (Article 26) and culture (Article 27).

We are very fond of the last three articles, if they were real: that “the rights and freedoms proclaimed in this Declaration may be fully realized” (Art. 28), the reminder of duties (Art. 29) and the non-arbitrary reading of the Declaration (Art. 30).

The alarm clock rings, I open my eyes, even the fact of making all these rights possible is a dream.

**It is good to celebrate the 75th anniversary of the Declaration, yes; but there are so many questions, so many open questions that remain unanswered!**

# Between a declaration and a madness

## Santiago Agrelo Martínez

I am a Minor Franciscan Brother. Doctor of Theology, with a specialization in Liturgy, from the Pontifical Athenaeum Sant'Anselmo, Rome. My life was dedicated to teaching, until obedience sent me as bishop to the Archdiocese of Tangier, in Morocco. Today I am Archbishop Emeritus of Tangier

This is how I found it written: *“the Universal Declaration of Human Rights is a landmark document in the history of human rights.”*

I guess that's what you can say.

Considering its significance for the history of human rights, it would seem reasonable to remember and celebrate the 75th anniversary of its proclamation.

But it does not seem that there are valid reasons to participate in this celebration for those excluded from a dignified life, those half-dead abandoned by the roadside, those who, fleeing from the cruelty of hunger, have come face to face with the cruelty of man, those buried in the Sahara Desert, in the ocean between Africa and the Canary Islands, in the Gulf of Cadiz, in the Strait of Gibraltar, in the Alboran Sea, throughout the Mediterranean Sea.

I understand that the hunger of millions of people is evidence of the violation of all their rights; the deaths and disappearances on the roads of clandestine immigration are evidence of the contempt that governments and peoples feel for the rights of the individual.

Of course, the irrefutable testimony of those who died of hunger and oblivion would not be against the Declaration whose anniversary we are celebrating, an enlightened and hopeful Declaration, but against those of us who have ignored, forgotten and despised it in order to evade the duty to respect it.

Hope for the poor is not to be found in any bill of rights, however universal and solemn it may be – the bill of human rights has been signed by almost everyone to be ignored by almost everyone. The hope of the poor lies in the commitment of each one to be what the poor need – I had written: to be the gospel of the poor, to be the good news that the poor need to hear.

Then I keep that folly which, if practiced, also allows me to fulfill the Declaration whose anniversary we are celebrating: *“I give you a new command,” says the Lord, “that you love one another as I have loved you.”*

The beloved disciple thus referred to the same folly: *“By this we have known love, as he gave his life for us. We must also offer our lives for our brothers and sisters.”*

And the apostle to the Gentiles claimed it to all the believers: *“Don’t owe anything to anyone but love”*

In the light of faith, the hope of the poor lies in that folly which is Christian love.

The question I’ve always asked myself is not about who is willing to sign a bill of rights, but about who is willing to give their life for others.

And this question has always compelled me to discern the authenticity of the faith I profess - the truth of my way of living faith in Christ Jesus: What did I do with the Gospel? What did I do with Jesus of Nazareth? What did I do with the poor whom I have been sent to?

Curiously, the answer to these questions is not I, but the poor, and the judgment on the authenticity of my faith will not be pronounced by me, but by the poor.

It might be crazy, but it is what it is

**I understand that the hunger  
of millions of people is  
evidence of the violation  
of all their rights;**

# Religious freedom, a right to recognize, guarantee and protect

## Carles Armengol Siscars

Teacher and pedagogue. He has worked in socio-educational intervention and management and in public management. He is currently Director of Religious Affairs of the Generalitat de Catalunya. He is the author of several books, the latest of which are “*Canviar el consum per canviar la vida*” (Changing consumption to change lives) and “*Escoles (Schools) Laudato si*”.

December 10th, 2023 marks the 75th anniversary of the Universal Declaration of Human Rights. Despite the difficulty of making all the rights of the Declaration real and truly universal, its proclamation by the United Nations was a breakthrough and a point of reference that has been maintained throughout all these years.

One of the fundamental rights enshrined in the Declaration is that of religious freedom, a right that is deeply linked to the dignity of the person and which all international human rights treaties have maintained and developed, and which is now part of the international legal order. Article 18 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of thought, conscience and religion”; this right includes freedom to change one’s religion or belief, and freedom, individually or in association with others, in public or in private, to manifest one’s religion or belief through teaching, practice, worship and observance.”

According to the usual interpretation of these texts, the protection they offer is not limited to traditional religions, but covers both theistic and non-theistic and atheistic beliefs, as well as the right not to profess any particular religion or belief or to change one’s religion.

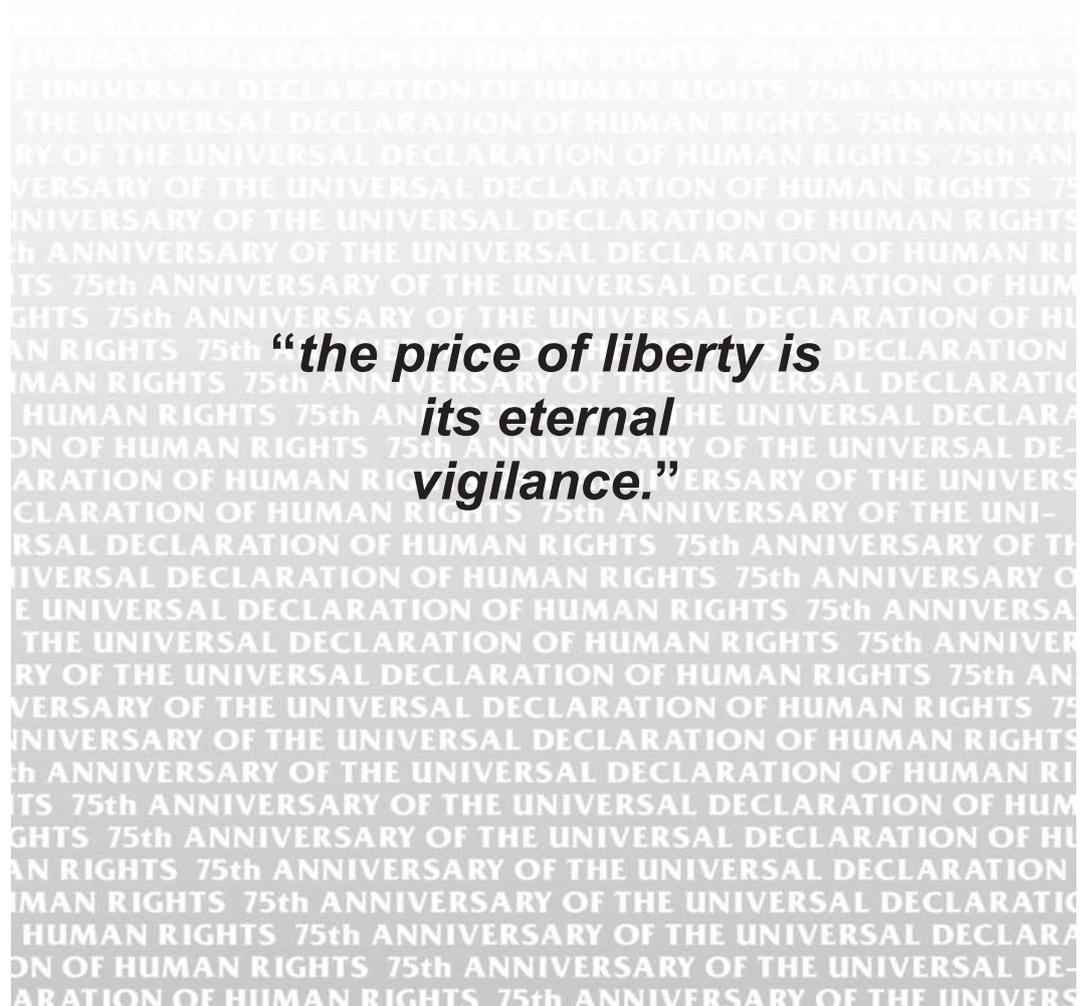
It should be emphasized, however, that religious freedom, according to international treaties, is not limited to tolerance, but must go further. It is not only a question of tolerating religion, but of protecting it. That is why institutions have to promote active protection policies in a wide range of areas: places of worship, education, health, prisons, the media, etc. The public authorities must therefore endeavour to recognize, guarantee and protect religious freedom, adopting all possible measures to ensure that it is exercised in all its dimensions and avoiding any form of infringement or discrimination.

Because of its multidimensional nature, religious freedom is a good barometer of the degree of respect for the rights and freedoms of a society. As we have seen, religious freedom involves both the most personal and intimate dimensions, such as freedom of thought or belief, and the most public and notorious aspects, such as collective worship or other religious manifestations of a public nature.

The health of religious freedom in the world is very diverse, and too many

countries do not enjoy even the most basic levels. Luckily this is not the case in our house, where religious freedom is guaranteed. In any case, rights and freedoms are not conquered once and for ever, but are progressive constructions and, as we see on many occasions, we must work daily to ensure that they do not go backwards.

As one of America's founding fathers, Thomas Jefferson, said, "*the price of liberty is its eternal vigilance.*"



# Forced Displacement and the Right to Asylum: A Current Diagnosis of the Universal Declaration of Human Rights

## Yolanda Bassas Gimeno

She is a lawyer, at a professional association in Barcelona and Paris, specialized in asylum law and forced displacement. Founder of the non-profit association NO ONE IS ILLEGAL, through which she advises and legally represents asylum seekers and refugees.

In a desolate context, in which Europe was totally devastated, the United Nations General Assembly proclaimed, on December 10th, 1948, the Universal Declaration of Human Rights.

This declaration was adopted as a common ideal for all peoples and nations, opening the way to the hope of rebuilding a world that was fragmented and in which, in recent years, atrocities had been experienced. 75 years later, what is the state of this ideal?

Unfortunately, 75 years later, not only has war returned to European territory, but the number of armed conflicts around the world has increased. In 2022, according to the “Alert 2023” report by the Escola de Cultura de Pau of the Autonomous University of Barcelona<sup>1</sup>, 33 armed conflicts were recorded, mostly concentrated on the African continent. It is not necessary to be said that every armed conflict has a direct impact on the violation of human rights.

If I look at the situation from the point of view of the subject I have been working on for years (forced displacement and refugees), I certainly cannot be optimistic in my diagnosis. The forced displacement of people has continued to increase year after year and the number of asylum seekers in Europe has never reached such significant figures.

We know that forced displacement is mainly caused by persecution, conflict and violations of human rights, the same rights that were enshrined in this wonderful Declaration of which we are celebrating the 75th anniversary.

To put figures, I will cite those that appear in the latest report published by the United Nations High Commissioner for Refugees (UNHCR) in June 2023<sup>2</sup>. According to this report, at the end of 2022, there were 108.4 million forcibly displaced people, 19 million more than in 2021. So far this year, with the outbreak of the conflict in Sudan last April and this October in Gaza, this figure has continued to rise dramatically.

On the other hand, and in relation to refugees, it should be noted that, based on data published by the European Union Agency for Asylum (EUAA)<sup>3</sup>, in the first half of 2023 some 519,000 asylum applications were submitted in the European Union, 28% more than in the first half of 2022. Along these lines, and to have a more “local” view of this trend, it should be noted that in Spain there has been an increase of 2,588 asylum applications in 2012

to 118,842 applications in 2022, that is, an increase of more than 4,500 percent.

Personally, I have always considered forced displacement and the number of refugees to be the world's thermometer and the yardstick of whether or not human rights are respected. While I am aware that wonderful progress has been made on certain rights, I do not think it is an exaggeration when I say that the world is feverish, very feverish.

On the other hand, I believe that, although Europe was the cradle of the Universal Declaration of Human Rights, now, in the field of migration, red lines are being crossed that distort some of the fundamental principles contained in this great text.

To borrow the words of the Italian philosopher Antonio Gramsci: in the current context, I would consider myself pessimistic in intelligence, but optimistic in will...

1.-<https://escolapau.uab.cat/img/programas/alerta/alerta/23/alerta23i.pdf>

2.-Global trends. Forced displacement in 2022:  
<https://www.unhcr.org/global-trends-report-2022>

3.-<https://euaa.europa.eu/latest-asylum-trends-asylum>

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**... red lines are being crossed  
that distort some of the  
fundamental principles  
contained in this great text.**

# The role of human rights defenders

## **Esteban Beltran Verdes**

Director of Amnesty International in Spain and human rights expert.

Seventy-five years after the Universal Declaration of Human Rights, Amnesty International must deplore the fact that those who dare to defend them are increasingly under attack in more places and on an alarming scale. They face a wave of harassment, intimidation, smear campaigns, ill-treatment, unlawful arrests and even killings. Just to fight for what's right. We are witnessing an integral aggression by governments, armed groups and companies against the right to defend human rights.

In 2022, HRD Memorial (a collective initiative of human rights organizations working to collect and verify data on killings of defenders each year) investigated and verified the killings of 401 defenders in 26 countries. For the first time, the milestone of more than 400 targeted killings of human rights defenders in a single year was surpassed, which is a devastating figure. Five countries — Colombia, Ukraine, Mexico, Brazil and Honduras — accounted for more than 80 percent of the killings. The area of defending land rights, the environment and the rights of indigenous peoples was the most attacked, accounting for almost half (48%) of all murders.

Human rights defenders are people from all walks of life. These include students, community leaders, journalists, lawyers, victims of abuse and their families, health professionals, teachers, trade unionists, whistleblowers, peasants, environmental activists and more.

They are people who stand up to abuses of power by governments and businesses by protecting the environment, defending minorities, opposing traditional barriers to women's and LGBTI rights, and combating abusive working conditions. They stand in the way of injustice and discrimination, of abuse and demonization. And today they are the ones who suffer the most from the global and local attack on their right to express themselves and defend others.

Like the murdered Brazilian councilor Marielle Franco, the blogger and poet Ahmed Mansoor, sentenced to 10 years in prison in the United Arab Emirates, the Polish activist Justyna Wydrzyńska, imprisoned for defending women's rights, or the young Hong Kong woman Chow Hang Tung, sentenced to 22 months in prison for remembering the victims of the

Tiananmen massacre...

In many countries, governments are adopting laws and policies that make the work of human rights defenders riskier and more difficult. From laws that authorize force against peaceful protesters or allow mass surveillance, to those that prohibit access to funding from abroad or impose strict requirements for legally registering organizations. Undoubtedly, the space to defend human rights is shrinking more and more.

At Amnesty International itself, its human rights defenders are also threatened, abused or threatened with imprisonment. The organization has had to close its offices in Moscow and Hong Kong. Amnesty International's accounts in India were hacked because of their criticism of the government. The right to protest is increasingly under threat as authorities use unlawful force against people in more than 85 countries.

Meanwhile, human rights defenders are increasingly openly described as criminals, undesirables and "defenders of demons". They call them "foreign agents," "anti-nationals," "terrorists." They depict them as a threat to security, development, or traditional values. And so, they are exposed to a double threat: their access to the information, networks and tools they need to communicate their research and mobilize society is reduced, and at the same time the protection against the attacks they suffer is clearly insufficient for the level of threat they bear. The perpetrators of these attacks are rarely brought to justice. There is a lack of political will to protect human rights defenders as a crucial element in achieving a safer and fairer world.

Human rights defenders will not be able to act effectively and contribute to building a safer and fairer world if states do not commit to ensuring that they are properly equipped with the skills, tools and training needed to carry out their work.

States should also ensure that human rights defenders are allowed to connect with each other, including defenders from other countries, and that they have full access to decision-makers at the national, regional and international levels without fear of reprisals. In addition, countries





# Conscientious objection: another human right

## Pepe Beúnza Vázquez

Conscientious objector in 1971.

Convicted in two courts-martial.

The person who says NO to what he considers an unjust obligation, does so publicly, and accepts the consequences, develops a more powerful force than a state, a dictator, or a law. This is the way I understand the conscientious objection.

There is always a price, sometimes a small one, but depending on the circumstances, it can mean freedom or life. In this case, the domino effect can be so important that unjust laws disappear or tyrants fall. You don't always win, but personal dignity and example are so evident that something will change, even if it takes time.

It is difficult to theorize about conscientious objection, because in principle it is a risky personal decision, and there are as many objections as there are objectors. That's why I write about the one I know best, which is the objection to conscription. If the objection becomes collective, the action becomes politicized and the time for change accelerates. In 30 years we managed to put an end to the military service, with nearly a million objectors, more than 30,000 heroic rebels and more than a thousand years in prison.

The first reason to justify the existence of conscientious objection is that the reason why many of us object is still relevant. No army can defend us from an attack with atomic, biological or chemical weapons, and we continue to spend billions of euros on armies for the benefit of the war business. With a quarter of what the world spends on weapons, we could eliminate hunger, give health and culture to all, clean water and dignity, but we squander on weapons, which in the best case will be for scrap metal and in the worst case to build our own grave.

We have become crazy, some a little bit because we don't defend life more forcefully and others, who are the ones in charge, totally. There are atomic weapons in the world to destroy it fifteen times over. Where's the sanity? Any child who comes into this world, instead of receiving, as would be logical, food, love, shelter, culture, and everything that makes life human, receives fifteen death sentences, waiting for a madman to start pressing a few buttons. But life force and love win and that's why we're still alive.

Another reason is that there are no conquests forever. We are seeing it now with the excuse of the crisis-scam, when we are losing by a step of pace labor, health, education, etc. rights that we thought were secured.

If we do not continue to fight against militarism and for disarmament, this beautiful planet that we call Earth and that we have turned into a powder keg will disappear any day.

Moral of the story: Unjust laws can be changed. That is the basis of the strategy of civil disobedience.

While we're on the subject, it might be worth doing a bit of slow boyfriend theory.

Nonviolence has five phases that are sometimes chronologically and sometimes creatively overlapping. They are:

- collaboration,
- complaint,
- non-cooperation,
- civil disobedience,
- and alternative solution.

It is very important to debunk two myths:

- The first is that armies defend people. If we look at the history of the Italian or French army over the last two hundred years, it doesn't seem that they have defended the people many times, and if we look at the history of the Spanish army, it's like running away every time we see a soldier. The American, Russian or Chinese armies do not fare any better. It is true that this myth feeds the business of war, for which real or fictitious enemies are needed.

- The second myth is that violence resolves conflicts. We live in a society in which violence, competitiveness, speed, sick fashion, the cult of having and all those diseases, are imposed, but luckily the majority is still sensible. Violence engenders more violence.

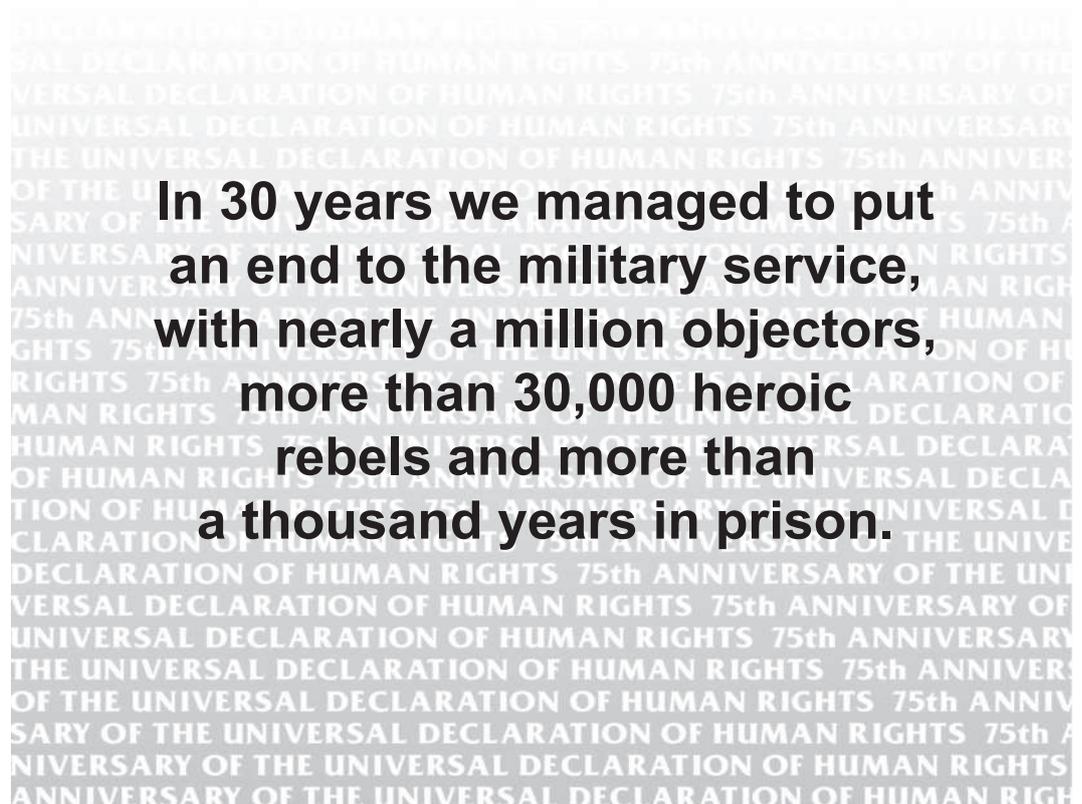
When a conflict breaks out, we pick up the guns, when the logical thing to do is to use reason, common sense, compassion, calm, justice, which make us, individuals and societies, happier. Wars destroy everything and we waste time and money preparing for the next one, which, with so much

business, is sure to come.

It is true that we have threats and we need security. Poverty, injustice, unemployment, lack of decent housing, waiting lists in hospitals, organized crime, financial dictatorship, pollution, climate change and many more threats, but we don't see how the army can solve them. And the police, if they don't change enough, doesn't seem to give much security to the people on the street.

The psychopath Hitler in confrontation with the psychopath Stalin gave us 25 million deaths. With the help of Hiroshima and Nagasaki, they added a few more. I hope that one day we will learn from history.

As Gandhi said: "On earth there is enough for all, but not for the greed of a few"





# Human rights adrift

## Oscar Camps Gausachs

Maritime and lifeguard entrepreneur, he founded the NGO Open Arms in 2015, after witnessing the humanitarian crisis in the Aegean Sea, with which he has saved more than 69,000 people at risk in the Mediterranean, and has promoted training programs in the countries of origin. During the pandemic, it collaborated in the health crisis and organized humanitarian flights to rescue 3,000 people in vulnerable situations. He has received numerous international awards for his humanitarian work.

We are a citizens' response to the EU's deliberate inaction on search and rescue in international waters, with the intention of protecting the lives of the most vulnerable in emergency situations. We started the activity in September 2015, and a little later we had to regulate ourselves administratively by founding the humanitarian, non-governmental and non-profit organization, Open Arms, as it is known today, to be able to provide aid to people abandoned in international waters fleeing armed conflicts, persecution or poverty; collaborating on land with health and research teams, on the front line to face situations that require immediate response.

Our work in the Mediterranean has been a popular mobilization with resources donated and ceded by citizens to respond, denounce deliberate inaction and assert human rights at sea under the premise that all human beings, without distinction of any kind, should enjoy the same rights and freedoms.

Seven decades after the Universal Declaration of Human Rights (UDHR), since the experience accumulated in Open Arms in the humanitarian crisis of the Aegean and the Mediterranean, we have seen and suffered how these rights are curtailed, distorted and reversed with the aim of dehumanizing the most vulnerable people, the "nobodies" who die abandoned at sea or in the desert.

With the memory of the death camps and the Second World War still fresh, this Europe has renounced its founding values and decided to set up and fund detention camps outside its borders, as well as armed militias to hunt down and board boats fleeing a country in civil war such as Libya in international waters. By force, by force of arms and against their will, these people are returned to the places from which they are fleeing, and held in inhumane conditions in these places, financed by our taxes, which look more like concentration camps.

Everyone has the right to life, liberty and security of his or her person, recognizing the right to life as a fundamental human right that must be protected by the global community. International Maritime Law, the Convention on Search and Rescue of Persons (SAR), the Law of the Sea, the Geneva Convention and others have as their backbone the protection of human life without distinction of any kind.



# All human beings are equal

## Quim Cervera i Duran

Ex-priest, graduate in sociology and theology. Volunteer and member of the Board of Justice and Peace, the Board of Trustees of the La Vinya Foundation and the Board of the UNESCO Association for Interreligious and Interconvictional Dialogue-AUDIR.

Human rights refer to the recognition of the inherent dignity and equal inalienable rights of all members of the human family. The Universal Declaration of Human Rights of December 10th 1948, now 75 years ago, invites us to promote and defend all rights without distinction of any kind, such as ethnicity, colour, sex, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Declaration recalls that all human beings are equal in rights, obligations and dignity and are called to live together in brotherhood. Currently, our world is experiencing a set of crises, or emergencies that can lead to collapse: food, energy, water, climate, economic, migratory crises, etc. The capitalist system, now global, is a reproductive system of death, inequality, poverty, violence, and the depredation of nature. The big arms business, the automotive industry, the drug industry, the gambling industry, the new telecommunication technologies, the mass media, entertainment, sports, etc., continue to profit a few people and put obstacles in the way of the realization of human rights, so that they can be realized, in addition to rights.

Human rights are a defense of people against the impositions of states. And we observe how these, even those who call themselves democrats, including their judiciary and police apparatuses, often fail to comply with human rights (very discriminatory immigration laws, repression and torture in prisons, no access to work and housing for everyone, for example) or repress demonstrations, or the right to self-determination of peoples (Catalonia) and other violations.

Human rights are rooted in the Western philosophical and ethical vision of the Enlightenment, of rationality, of a modernity strongly influenced by the supremacy of the individual over the community. Human rights, despite the fact that they are already an advance in the recognition of the dignity of every human being, can remain in theory and in desire. They need the action of social movements to vindicate them and a spirit, a breath, a spiritual engine that can come from the great wisdoms of humanity, the great religions, spiritualities and humanist convictions, which value more the social, collective and community dimensions...

Following the intuitions of Boaventura de Sousa Santos, expressed in the book *"If God were a Human Rights Activist"* (Editorial Trotta, Madrid 2014), we can take a closer look at the contributions of open liberation theologies, as "one" of these possible "spirits".

Liberation theologies are inscribed in both the Catholic and Protestant Christian traditions. They emerged in Latin America, but we can also find them in Africa and Asia and, in turn, in Europe. What can be said of Christian liberation theologies



# Killings of civilians in wars

## **Emili Chalaux i Ferrer**

Industrial Engineer, President of ACAT

It is clear that in wars there are a significant number of tortures and murders. For this reason, an entity like ACAT must always be against wars.

A significant number of deaths in wars are caused by bombings, such as, for example, those of Corbera d'Ebre and Gernika where, on Franco's orders, the Nazi air force caused a lot of victims. The case of Belchite is different, since the bloody battle between the two sides of the civil war resulted in a very large number of casualties.

This August 2023, on the occasion of the holidays, I was able to visit the martyr village and memorial of Oradour-sur-Glane, near Limoges, in France. This extermination did not come from a bombing raid but from a diabolical plan very well prepared by the SS of Hitler's Germany. It was June 10th, 1944, just four days after the Allied landings on the beaches of Normandy.

It consisted of wiping a village off the map, murdering all its inhabitants (642). Only one woman and five men were able to escape the barbarity, and thanks to one of them, Robert Hébras, who died a few months ago, and the testimony of the woman, history was able to learn the details of this horrific crime.

The horrific serial murder that wiped Oradour-sur-Glane off the map took place in a very few hours. An SS regiment, at nine o'clock in the morning, held a secret meeting in a village about 10 km from Oradour. Commander Dickman also summoned Lieutenant Kleiss of the Gestapo to hatch the whole diabolical plan, which was executed on the same day by several dozen SS men.

The strategy was based on acting methodically and cold-bloodedly, allied with extreme perversity. The SS militias, when they got out of their vehicles, went, through loudspeakers, telling the inhabitants of Oradour to leave their homes to concentrate on an esplanade of the town. This was done by having the whole town surrounded by Hitlerite militiamen who prevented any attempt at escape. Hébras himself says that he never saw any animosity on the part of the SS. Some SS men talked to each other, laughed, and even gave the impression of carrying out a simple routine mission; but in no case to be preparing a mass extermination. The people gathered on the esplanade thought that the Germans would only carry out a routine identity check. But what perhaps the inhabitants of Oradour ignored, or did not want

to think about, is the bloodthirsty “curriculum” of the SS militias.

An order then indicated that all the men should be divided into six groups, and each group was directed to a point in the village, in order to separate the groups from each other. The women and children, on the other hand, were led to the village church and piled up there. Needless to say, the six groups of men were guarded by militias in firing position.

Suddenly, at 4 p.m., a grenade explosion was felt. At the sound of the signal, the German soldiers, positioned behind the machine guns, began firing in all directions, causing all the men to fall on top of each other. The smell of gunpowder, mixed with terrible cries from the people, and blood everywhere. Then, the coup de grâce executed by the German militiamen. Robert Hébras was saved thanks to the immobility shown during the coup de grâce. This performance was repeated in all six groups of men.

Also at 4 p.m., women and children were burned alive inside the church, along with explosions and machine-gun fire. Only one woman was saved, miraculously fleeing through the window, and was able to explain the terrible ordeal suffered by women and children.

The Machiavellian and diabolical plan was aimed at ensuring that no one would get out alive in order to explain the facts; But, luckily, there were. Among them, who described everything that happened.

There were also the cases of Lidice (Czechia) (1942) and Lipa (Croatia) (1944), where Hitler’s militias acted in exactly the same way as Oradour. We therefore assume that this way of proceeding, of exterminating innocent civilians, was written into the manuals of Hitler’s troops.

Aren’t the Russian bombardments of civilians in the invasion of Ukraine, killing unarmed and innocent civilians, in some ways similar to what happened in Oradour?

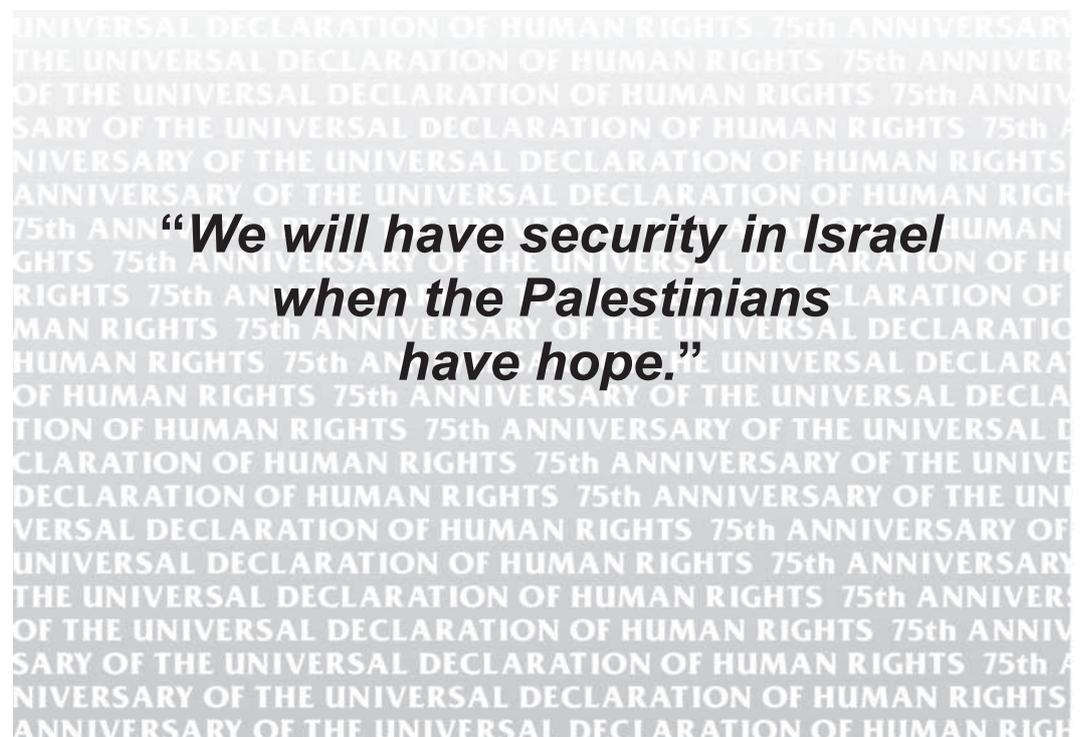
Hitlerians reactions, razing entire villages and killing the entire civilian population, were also revenge for an act of sabotage by the “French resistance”.

Now we certainly find that Hamas, by entering Israel and committing terro-

rist acts of great violence, which are totally reprehensible, has propelled Israel to a disproportionate reaction of murders of the civilian population. Or is it not that cutting off electricity and water to the civilian population of Gaza, accompanied by horrific bombardments that destroy their homes and have already caused more deaths than those caused by Hamas, is not also an act of terrorism? In this case, state terrorism.

In the case of both Ukraine and Gaza, where many people are dying, would it not be better, instead of continuing the wars, to declare a ceasefire and, with the help of international mediators, try to reach a peace agreement?

And let me end with a phrase, which probably many people remember, from Ami Ayalon, who was the director of the Shin Bet for 4 1/2 years and who says: *“We will have security in Israel when the Palestinians have hope.”* You get it, don’t you?





# Calamandrei in 2023

## David Fernández i Ramos

Journalist, cooperative member and social activist. He is the head of the Civil and Political Rights Commission of Òmnium Cultural. He participated, with ACAT as a school, in the creation of the Coordinator for the Prevention of Torture, which brought together a network of 48 human rights entities from all over the State, being an essential voice to crack too many silences.

*Like the pupil  
of the girl's eye  
who fled napalm  
in Vietnam*

Principles are, above all, for difficult times; in the easy moments it is always too easy to invoke them, because they do not commit to anything. On the other hand, it is in the impossible crossings and cesspools of history that they must be truly defended, because that is when they succumb to a single stir. The Universal Declaration of Human Rights is 75 years old this year and, to the essential rear-view mirror, we will have to add some enormous high beams to foresee a future – a present – that at times fades and darkens. In reality, mirror of time, this December 2023 we will have to pray for everything that has happened in these seven and a half decades throughout the planet and because that declaration that was supposed to be perennial has been suspended - or has expired - in so many cartographies of horror that we retain in our memory - Algeria, Saigon, Sarajevo, Baghdad, Gaza-. Even, in the region of proximity, they require us why until 45 years ago the country where we are – where we defend human rights, neighborhood by neighborhood, on every corner, in every crack – was a dictatorship under European complicity and the rigors of the Cold War. A thousand questions for every story. A thousand answers for every human right.

A long time ago, a too long time ago, when the Universal Declaration was not even 50 years old, the US ambassador of the Reagan administration to the United Nations, Jeane Kirkpatrick, stated without hesitation that the declaration was little more than 'a letter to Santa Claus'. From that simple phrase someone can draw too many conclusions and infinite pain. And a wild oblivion: that this declaration was born from the ashes of the barbarity of Nazism – and from the fumes of Hiroshima, too – to avoid the crazy things we can do to each other.

It's hard to write reality: we haven't learned anything and it's not very clear if we want to learn anything. In the midst of an accelerated global democratization, of ultra tides, authoritarian hybridity and neoliberal gales, the violation of human rights is the same as torture, as with every right denied, humiliated or trampled upon. And it happens that its violation inevitably degrades not only the one who perpetrates it, but especially the one who orders it and in turn, but structurally, the society that tolerates, accepts or applauds it. And it happens that the old promise of 'Never again anywhere against anyone' – born at the gates of the hell of Mauthausen in 1945 and where so many men and women still recognize us – is, at this point and still, an ethical imperative to achieve and a promise to fulfill, to past generations and future generations. In this dilemma, let me say that ACAT has been, since I

was young and since the nineties, an unavoidable, hopeful and activist reference.

But since there are things that have already been said, much better written and defended than ever when it was time, sometimes it is only necessary to (re)quote them. This is what happens to me every time I read this speech by Pietro Calamandrei, an Italian socialist deputy, pronounced in 1947 in the Italian constituent assembly and which resonates and deafens in this convulsive and strange autumn of the year 23 of the twenty-first century. As if it had been written last night or this morning. As if it had to be written every day:

*“I believe that our descendants will feel more than we do, a century hence, that a new history was really born out of our Constituent Assembly: and they will imagine that in our Assembly, while the new republican Constitution was being discussed, we were not seated on these benches, ephemeral men whose names will be erased and forgotten, but a whole people of dead, these dead that we know one by one, fallen in our ranks, in the prisons and on the gallows, in mountains and plains [...] from Matteotti to Rosselli, from Amendola to Gramsci, towards our partisan boys. [...] They died without rhetoric, without big phrases, with simplicity, as if it were a daily job to be accomplished: the great work necessary to restore freedom and dignity to Italy. (...) A task a hundred times more bearable corresponds to us: the task of translating into clear, stable and honest laws their dream of a more just and human society, the dream of a solidarity that unites all men in this work of eradicating pain. In fact, our dead people ask for very little. We cannot betray them.”*

**It is in the impossible crossings  
and cesspools of history  
that they must be truly  
defended, because that is  
when they succumb  
to a single stir.**

# “We work towards a more democratic, transparent and respectful society”

## **Esther Giménez-Salinas i Colomer**

She holds a PhD in Law and a diploma in Psychology. Professor of Criminal Law and Criminology. Rector of Ramon Llull University (2002-2012). She is an specialist in the field of juvenile and penitentiary delinquency, she created the Centre for Legal Studies and Specialised Training of the Department of Justice, being director between 1983 and 1993. Since July 15th, 2022 she has been the Ombudsman of Catalonia.

International Human Rights Day is celebrated every year on December 10. On this day, 75 years ago, the UN General Assembly adopted the Universal Declaration of Human Rights by a very large majority, with no votes against.

Although it is not an international treaty, the Declaration is generally recognized as a binding text, which for the first time elevates at the international level the obligations of states with regard to the rights of persons under their jurisdiction. The Universal Declaration, together with the Charter of the United Nations itself, are the first expressions of an international normative framework of human rights that has been developed in numerous treaties at the global and regional levels, together with some mechanisms, still insufficient, to guarantee these rights also at the international level.

Today, the Declaration sets the minimum international standard of human rights, but both at the international level and in Catalonia there continue to be serious breaches of the Declaration and the international treaties that implement it.

At home, regressions in the field of social rights (difficulties in accessing decent housing, waiting lists in the field of health and dependency, segregation in education, etc.) are violations of human rights, insofar as they violate the principle of equal opportunities and are potential causes of poverty and discrimination.

Also of concern are the growing limitations on freedom of expression and demonstration, which result in exorbitant penalties and, in some cases, completely unjustified deprivations of liberty.

There are groups, such as women, children, LGB people or people with disabilities, who are particularly vulnerable to rights violations. Their rights must be specifically promoted and defended.

It is also necessary to address the phenomena of migration and refuge, caused by massive violations of human rights, climate change and the impoverishment of societies, and to combat xenophobic outbreaks and policies.

The goal of the Universal Declaration is the goal of a democratic, transparent society that can freely decide its future.

The Ombudsman of Catalonia works to guarantee all human rights throughout the world without distinction, in order to achieve a more democratic, transparent and respectful society.

**Also of concern are the growing limitations on freedom of expression and demonstration**

# Detention Centers for Foreigners

## **Josetxo Ordóñez Etxeberria**

Lawyer. Coordinator of accompanying to CIE Inmates, and legal advisor of Migra Studium.

Migra Studium is part of the Jesuit Migrant Service with the mission of accompanying and defending the rights of the most vulnerable and excluded migrants. It promotes a group of volunteers who visit and accompany inmates deprived of liberty in the CIE of the Zona Franca (Barcelona).

The start of the visits came after two deaths in the CIEs. The death of Samba Martine in Aluche (Madrid) on December 19th 2011 and the death of Idrissa Diallo in the Zona Franca on January 5th 2012 provoked a reaction from civil society. In the midst of shock and outrage over these deaths in police custody and disbelief at the official explanations, Migra Studium exercised its right to know what is happening in the CIE, who is being interned and why.

The CIE is a device of migration policy that facilitates the expulsion of those who are not legal residents. The Alienism Law allows deprivation of liberty and imprisonment waiting for deportation. This context of deprivation of liberty leads to human rights violations because the system of control and guarantees does not always act rigorously, quickly and effectively, or does not at all.

Since 2012, Migra Studium has made more than 3,100 visits to 1,450 inmates. We note violations, irregularities and arbitrariness:

- The targeted internment of Maghrebi inmates, which is cruel to Moroccans and Algerians.
- Inmates who should never have been interned: homeless people, people with disabilities, people convicted of minor offences, minors, women with dependent children, victims of trafficking, labour and/or sexual exploitation and gender-based violence, nationals and of EU countries.
- Poor health care at ICN and the prevalence of cases of inmates with deteriorating mental health.
- Obstacles to visit.

There is also progress: policies focusing on expulsion and internment have become part of social, media and political debates. Secondly, the police, courts, prosecutors' offices and the Ombudsman already accept the existence of organizations such as Migra Studium. The greater or lesser sensitivity of the police to the enforcement of the law is due to the certainty

that their actions are observed by us and that we do so with constancy and stubbornness. The changes in favour of the people locked up in the CIEs, however timid they may be, have only come after patient and tireless work against impunity.

In January of this year, the women's module of the CIE of the Zona Franca was launched with the entry of the first inmates. The internment of women in the CIEs only confirms the exercise of institutional and social violence against those who have emigrated. It also reaffirms the opinion that the CIEs are repressive devices of migration control and where it is not difficult to violate fundamental rights.

The cases accompanied by the volunteers are in themselves clarifying. That's what happened with Elena. The testimony of Elena, a Bulgarian, and therefore a national of a European Union state, who has lived in Spain since 2000, highlights the contradictions, absurdities and pain surrounding internment.

Elena had been at CIE for 38 days when we first visited her. Through tears and little by little, she explained her story. She studied economics at university and came to Spain in 2000. She settled in Madrid with a Spanish partner, whom she married and with whom she had three children.

In 2015, he was diagnosed with bipolar mental disorder, with acute and recurrent depressions; disorder with which she still lives. From then on, their marriage collapsed: fights, arguments and aggressions that led to cross-complaints, passage through police stations, courts and sentences of all kinds. Also, the divorce and a traumatic separation of the three children.

She currently has a recognized visitation regime for her children that she cannot enjoy. When she separated, she went to live on the street, homeless and did not renew the document that identified her as an EU citizen. Last January, the national police arrested Elena at Elche airport as she was about to board a plane which was travelling to Bulgaria. She had thrown in the towel and decided to close her life in Spain. The police did not allow her to board the plane and took her to a court that decided to intern her for 60 days in the CIE and expel her to Bulgaria.

Elena was deprived of her liberty for a month and a half: a time of suffering and uncertainty when her mental disorder was aggravated by the lack of freedom. “I’m between yard, cell and yard. And this is not my place.” A month and a half of sleeping little and badly, barely eating. From limited medical care to the prescription of tranquilizer pharmacology. And no psychological or psychiatric care. Elena was eventually released. The authorities had to be reminded that Bulgaria is an EU country, and that placement in a CIE is therefore not legally possible. Even so, no authority has taken responsibility for her internment.

We are heading towards a scenario of more CIEs, more internment and more expulsion attempts. But we believe that they must be closed because people are denied the right to have rights, as Hannah Arendt put it in relation to stateless people. Forced to flee wars, misery, natural disasters due to climate change, and the plunder and depredation caused by our economy, they find themselves in the CIE.

Unfortunately, CIEs will not be closed. But at Migra Studium we claim the scandal of their existence. We are committed to welcoming and not for expulsion; for freedom and not for imprisonment. Our biggest challenge is to recognize migrants as equal to us, with the right to rights.

It is the only way to consider human rights seriously.

**We are committed to welcoming  
and not for expulsion;  
for freedom and not  
for imprisonment.**



# Human Rights and Prisons

## Núria Ortin i Martínez

She has a degree in Advertising and Public Relations, a diploma in Humanities and a degree in Image and Sound. She has completed the Leadership and Social Innovation programme at ESADE Business School. Director of the Obra Mercedaria Foundation, present in 6 countries on 3 different continents. Author of the book "*Shared Convictions. Lives of dedication, struggle and overcoming in a hostile and invisible world*", published by Editorial Claret.

Human Rights: two generic words that are seldom respected.

75th Anniversary: Celebration, Party.

Prisons: a place where inmates are deprived of their liberty.

If we mix these concepts and add the Virgin of Mercy, Patron of inmates, we have a combination that is difficult to digest.

We have seen many films and series and we have read books where rape in prisons is not strange to us, especially if they are stories that are lived in the penitentiaries of Central America: gangs, reprisals, deaths, torture... It seems that anything goes, and with "an eye for an eye and a tooth for a tooth" there is carte blanche to bypass all the rights of a person, where dignity has no place and respect is never taken into account.

In Spain, prisons work very differently than in other countries; here in principle there is an awareness and willingness to create spaces where the inmate can be trained and work so that tomorrow he can go out and have a "normalized" life in society, trying to move away from the punishing mode. But, what rights does a person have who has to survive in a dinghy to flee their village that is at war or looking for a better life to give security to his/her children, and find a reality where promises are broken and the only thing left is to survive? What right does a black girl have who is not treated the same as a white girl? What right does a person who expresses his ideas have and is imprisoned? What right does an immigrant have who can't work because he/she doesn't have legal documents? They have no rights, none: in fact, these and thousands of other cases do not comply with the first article of the Declaration: "**All human beings are born free and equal in dignity and rights.**"

Are we talking about freedom and dignity? The Mercedarians know a lot about this, they have been putting the person at the center of everything for 805 years, fighting to liberate and dignify anyone, whatever their religion, language, sex, culture, idea, etc. What is the profile we find in prisons? Well, the great majority are people who come from pockets of poverty - economic, cultural, social, mental - people at risk of exclusion who have nothing and no one, people who have been victims before, people with broken families,

people who are on the edge, lonely, desperate, despised... This is the reality. How hard it is for us to put ourselves in the other person's shoes, to listen to them, to accompany them, to understand them and to give them a second chance!

It's an anniversary! 75 years since the proclamation of the Universal Declaration of Human Rights, and how little progress we have made as humans!

Hopefully, in the next 75 years, we will be able to generate hope and freedom and that, truly, each person will be able to enjoy all the rights that we call universal.



# A bitter anniversary that can't stop us

## Montse Santolino

Journalist specialized in communication for social change, head of communication and coordinator of Lafede.cat, organizations for global justice.

We celebrate the 75th anniversary of the Universal Declaration of Human Rights with the recent resignation of the Director of the Office of the UN High Commission for Human Rights, after describing the attacks in Gaza as genocide, and as a way of denouncing the inaction of the organization. We also celebrate this anniversary with the rise of authoritarian governments everywhere and the questioning and regression of rights that were considered guaranteed in many democracies, with the growth of new threats derived from the use of new technologies, and with laws that limit or criminalize the action of NGOs, or citizen protests everywhere.

The bitter nature of this anniversary cannot block us. Global justice aims to transform the power relations that generate inequalities everywhere, to ensure the elimination of all forms of violence and the sustainability of life on the planet. The defense of human rights is inscribed at the heart of the work for global justice, as a strategy that it is, to influence economic, political and social structures, both globally and locally, and we do not faint.

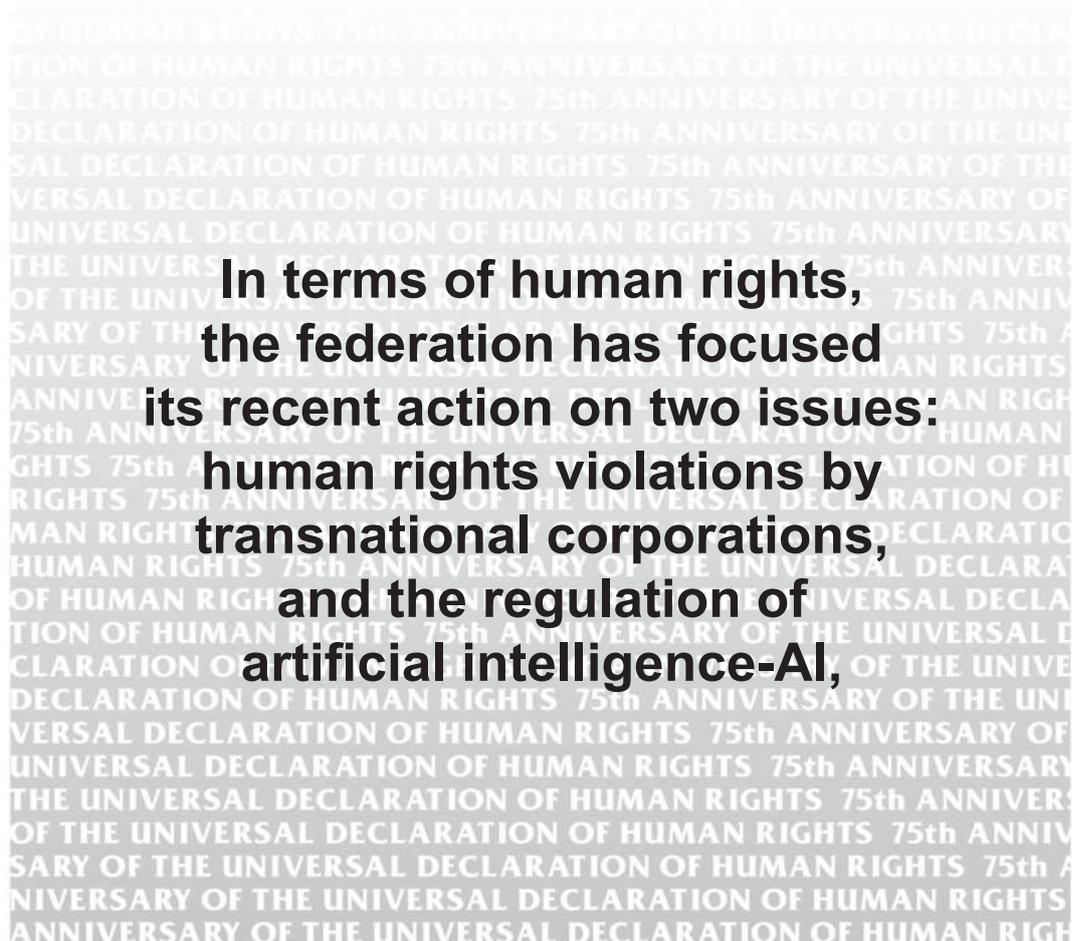
In terms of human rights, the federation has focused its recent action on two issues: human rights violations by transnational corporations, and the regulation of artificial intelligence-AI, so that the generalization of its use does not multiply rights violations everywhere.

The statistics of human rights and environmental defenders imprisoned or murdered continue to grow. In most cases, there are economic reasons or business interests behind it. Since 2014 and following the work initiated within the United Nations to negotiate a binding treaty for corporate power, the federation has promoted the creation of a Public Center for Business and Human Rights. More than 3,000 Catalan companies operate abroad, either directly or through more than 7,500 subsidiaries.

The Centre we are asking for would have to be independent of corporate power and, therefore, depend on the Department of External Action and not on Enterprise, because it would have to be brave to position itself in the face of possible bad practices; it should have sufficient resources to be able to investigate and follow up on potential complaints and be accessible to affected communities in the global South. The proposal has the support of more than 8,000 social organisations, trade unions and cooperatives, and when approved is expected to represent an important step forward in the

regulation of the business sector in terms of human rights and environmental protection, and has inspired the creation of the State Network against Corporate Power. created in May of this year.

The Parliament of Catalonia has already shown its support on several occasions, by unanimity or absolute majority, and the parties are now negotiating the bill to make it a reality. At the political level, it must multiply the strategic impact of international cooperation policy and become an example of public policy coherence. The final text would have to be voted on in plenary next year.



**In terms of human rights, the federation has focused its recent action on two issues: human rights violations by transnational corporations, and the regulation of artificial intelligence-AI,**

# Human rights and education

## **Toni Soler Ricart**

Retired teacher of the Jesuit School "Casp".  
Former president of FundiPau

Anniversaries, especially those that coincide with a round number, are always an invitation to reflection, to look at the past, the present situation and the future that we foresee and desire. In the case of the 75th anniversary of the Universal Declaration of Human Rights, this reflection becomes inevitable and especially transcendent.

### **Looking at the past:**

The proclamation of the Universal Declaration of Human Rights is undoubtedly a milestone in the history of the humanization of humanity. It seems unbelievable, but it has taken us millennia of history to get here. For centuries and centuries, both the thought and the practice of human relations have sustained, legislated and imposed the differences of rights between different groups of human beings: foreigners and members of the same group, slaves and masters, indigenous people and settlers, blacks and whites, women and men, heretics and faithful, subjugated and conquerors... In many cases, those people who did not belong to the dominant group were not even considered human. In this regard, "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family", as stated in the preamble to the Declaration, is a truly revolutionary step.

It is clear that over the past 75 years, compliance with this Declaration has been far from widespread. But this fact does not detract from its importance, as it is a mirror in which each state is reflected and no one likes to look bad or give a bad image. The mere fact of its existence obliges all states to at least try to conceal their non-compliance a little, and with this it already acts as an engine of progress. Undoubtedly, the world would be much worse if there had been no such Declaration.

### **Looking at the present:**

To describe the current situation we could repeat the previous paragraph: too many breaches. Perhaps, but we could make two taglines. The first one is that it does not seem very clear whether, in the present circumstances, humanity would be able to reach a consensus on such a text. Even in the theoretical field, the ethical conviction behind the Declaration seems to have weakened, and groups proliferate that deny many of the rights it enshrines. The second one is that time has shown the need to broaden the declaration with new social, economic, political and environmental rights.

**Looking at the future:**

And this leads us to look to the future also with a double challenge: to reinforce and reaffirm what was proclaimed 75 years ago as a minimum ethical requirement, common to all humanity, and to work to expand it with those new rights that historical evolution has shown to be essential. These are two titanic tasks at a time in history, when a large part of the population feels besieged by many threats, fears and insecurities, when those who generate the threats sell a false concept of security for which some of those fundamental rights will have to be sacrificed.

**The role of education**

Here it is where the role of education is especially relevant. It has been doing so throughout these 75 years, spreading this desired culture of equal and free citizens, and it must continue to do so at a time when there are those who question it. Any education worthy of the name must be based on the equal dignity of all human beings and on the fact that no concept of security can ever be achieved against this dignity. On the contrary, we can only speak of genuine security for people when they feel that their dignity and the rights that derive from them are respected, without risk.

**Two fundamental points to conclude:**

The first one is that education, especially when it comes to issues such as the one we are dealing with, can never be thought of as something aimed only at children, which has to be done in schools. It has to be said that schools usually fulfill this mission completely. What is failing is the reality outside the school, which too often works with other priorities. Children and young people are particularly perceptive in detecting what adults take seriously and which is therefore necessary to move in society and what “only works in the school environment”. The discrediting of the latter makes the generous work of many schools very ineffective. That is why it is necessary, first and foremost, to educate ourselves as adults and to live normally what we want children to learn. Then a few words will be needed. And this brings us to the second point.

In the matter of values, which shape personal behaviour, much more education is done by lived and experienced practice than by words. What children, boys and girls experience in their relationships with their classmates, with educators, what they observe among adults, the priorities that are lived in

the structure and functioning of the school, what they see and experience at home, in the media, news, social networks and a long etcetera, has much more force than sessions held in a limited schedule, no matter how well prepared and made they are.

We need, therefore, to wake up and grow in our daily practice, if we want to effectively educate and promote this extraordinary horizon for humanity outlined in the Universal Declaration of Human Rights.

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# 75 years of the Declaration: remembrance and future challenges

## **Eudald Vendrell i Ferrer**

Lawyer for more than 50 years; Diploma in Comparative Law from the University of Strasbourg; associate professor of Civil Law at the UB (1970-2013), founding member and former president of the "Grup de Juristes Roda Ventura"; Vice-Dean of the Barcelona Law Association (2009-2013); President of Justicia i Pau de Barcelona (2014-2022).

Let me begin by saying that, for me, the commemoration of the 75th anniversary of the Universal Declaration of Human Rights, which is being celebrated this year, cannot be reduced to a "historical remembrance", but we must emphasize the effort of a "hopeful future" that still today demands its full implementation.

With this statement I do not wish to ignore the undeniable fact that this Declaration has a very high moral, political and legal value, that we can consider one of the highest milestones in the progress of humanity, that it has been described as the moral backbone of human society, since it starts from the basis that these rights "belong" or they are inalienable, to every person by the mere fact of being so.

That is why it is worth it, that's why to recall the solemnity and emotion of the formal act of its proclamation and signature by the General Assembly of the United Nations, meeting on 10 December 1948 in Paris, in the great hall of the Palais de Chaillot, in the presence of the promoters and authors of the project, headed by Eleonora Roosevelt, with John Peters Humphrey, Charles Malik, Henri Laugier, Stephane Hessel (who, years later, in the 2010s, was the main promoter of the Indignant Movement) and René Cassin, the great French jurist who was the most direct author of the final text we know today.

As it is well known, the Declaration is not properly a treaty, in the strict sense of international law, containing measures of direct implementation or application; nor, does it pretend, unlike what has subsequently been done by other norms or by experts and scholars, does it claim to classify rights into categories or generations, even though its very numerical arrangement already presupposes eloquent priorities, by placing the classic individual freedoms first before social or collective rights.

Subsequently, in 1966 and 1967, and in order to provide the Declaration with more effective instruments for its application, the United Nations adopted two truly binding conventions, the so-called International Covenants on Political Freedoms and Rights and on Economic, Social and Cultural Rights, which the Spanish State did not ratify until 1977. These Pacts have led to the creation of the so-called Committees for the supervision, control, recommendation and even discrediting of actions that violate or disregard recognized rights, given that they have a Protocol that allows complaints by private citizens or accredited entities against member states; Spain ratified 46 of this protocol in

2013, and it has already received several examinations, and even censures or condemnations, both in the field of political and, above all, social rights, on issues such as evictions and homelessness, freedom of expression, police mistreatment, undue expulsions of immigrants and refugees, etc.

In any case, although the Declaration has often been described as too biased towards the liberal social and political vision of the Western countries (especially Europe and North America), it must be recognized that it represented a very important effort and step towards universalization, and that later, with the incorporation of the so-called new generations of rights, and the pressure of countries on other continents, especially the least developed and those that have freed themselves from the colonial yoke, has become a key element in achieving a more just and united humanity.

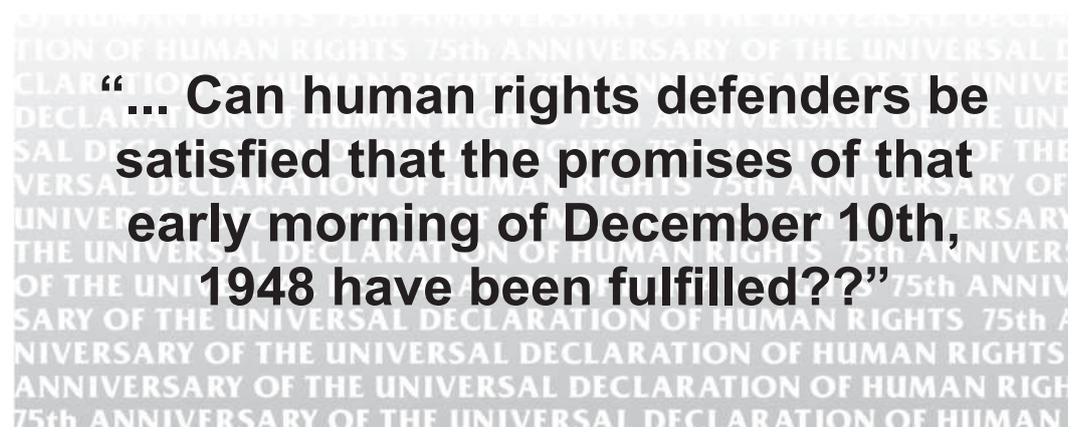
Certainly, this anniversary, which should be a happy one, is presented to us in a particularly worrying context: we have not yet emerged from the pandemic that has given rise to a humanitarian crisis of absolutely universal scope, which has affected the lives and survival of millions of human beings in all countries and continents without exception, in the midst of wars: in Ukraine, in Europe itself, and in the Holy Land (Israel, Gaza, Palestine, holy places for the great religions), which should not make us forget the other wars, perhaps more hidden, but real and bloody in other parts of the world; an unprecedented migratory crisis that we do not know how to solve except with barbed wire borders, walls, expulsions, cold bureaucracy, rejection and deaths at sea, and the aggravation of climate change that destroys our planet, our common home, our resources and causes hunger, poverty, forced displacement and thousands of deaths, especially of children.

For this reason, in these critical circumstances, a new and daring approach is needed, in order to advance in the axis of the so-called solidarity or collective rights, overcoming the postponement of social rights in terms of their enforceability by citizens against political or economic powers, even through judicial channels. Along these lines, the same UN, in the Vienna Declaration of Action on Human Rights, adopted in June 1993, has already resoundingly ratified that, *"All human rights are universal, indivisible and interdependent, and are interrelated; the international community must treat them comprehensively, fairly and equitably, looking for equality and giving them all equal status and protection."*

For this reason, some thinkers propose the sighting of a new dimension or transformation of rights, oriented towards human solidarity beyond states and markets, a more social and collective sphere of domination, not only focused on economical profit. A very suggestive proposal in this regard is the one put forward by José Javier Ordóñez in his publication "Passion, death and resurrection of human rights" (Cuadernos Cristianisme i Justícia, 2021).

I would like to conclude this contribution with the same question that was asked in 2008 (when the 50th anniversary of the Declaration was commemorated) by the great French jurist and humanist Robert Badinter - who was President of the Constitutional Council and Minister of Justice - under the mandate of which the death penalty was abolished in the neighbouring country: *"Can human rights defenders be satisfied that the promises of that early morning of December 10th, 1948 have been fulfilled? Have we had the audacity to demand the solemn commitment inscribed in the Preamble of the Declaration: that all countries and all humankind guarantee universal and effective respect for human rights and fundamental freedoms?"*

Addressing the members and collaborators of ACAT, and the people who may read these lines, I think that only from the conviction of the fact that we all share the same dignity, we can face with hope these challenges and others that the future will bring us, and that the best way to do so is through the effort that we all promote as participants in entities and organizations of all kinds inspired by the desire for the common good, and, in your case, also for the liberating and loving power of the message of Jesus of Nazareth.





**HANDS OFF  
ASSANGE**

**DON'T SHOOT THE MESSENGER**

# Human rights in the world in 2023, 75 years after the Universal Declaration of Human Rights

## Board of Directors of the FIACAT

The International Federation of ACATs, FIACAT, is an international Christian non-governmental human rights organization, created in 1974, which fights for the eradication of torture and the abolition of the death penalty. The Federation brings together some thirty national associations, the ACAT, present on three continents. Its Board of Directors consists of eight members; its president is Paul Angaman, from Côte d'Ivoire.

The 2023 celebration of the 75th anniversary of the Universal Declaration of Human Rights (UDHR) brings us to a discouraging observation. In many parts of the world, states are violating the civil, cultural, economic, political and social rights proclaimed by the mother of all human rights treaties adopted at the international and regional levels.

In Africa, there are states that violate the rights covered by the UDHR. Sub-Saharan Africa has experienced several recent military coups that have overthrown power for decades. These states will enjoy peace and development only if they are finally based on a truly representative democracy within a state governed by the rule of law, respecting human dignity, on the equality proclaimed in the UDHR and guaranteed by the international obligations to which they have subscribed in this regard.

Asia, on the other hand, is unfortunately far from achieving this, since most of its States are not based on representative democracy, the supremacy of law in harmony with international law and the implementation of human rights.

Europe, America and Oceania currently have states led by nationalist, sovereigntist and populist tendencies that seek to dismantle their democratic system based on free elections, the supremacy of national law in accordance with international law and non-discriminatory respect for the human rights of all, including those of minorities. These requirements guaranteeing equality, justice and peace in any country and its development constitute an essential contribution to peace and security not only in any state, but also in the region and the continent and, by extension, in the world.

On the fringes of our Europe, an autocratic state with a mafia-like political and economic system, based on biased elections and legislation that does not respect the UDHR or international law, represses the fundamental rights of the people under its jurisdiction. In flagrant violation of the purposes and principles of the Charter of the United Nations and of numerous treaties of international law, this imperialist state, for ideological reasons, is militarily attacking a neighboring state. Moreover, on the ground, its army is in grave violation of international humanitarian law, in particular the essential principles of the Geneva Conventions relating to the protection of victims of war, including civilians, especially tens of thousands of children abducted from



# Universal Declaration of Human Rights

Adopted and proclaimed by the General Assembly of the United Nations, resolution 217 A (III) of December 10th, 1948

## **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 co-operation 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.

**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 defense.
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 persecution.
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. 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 of 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 universal 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/she 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**

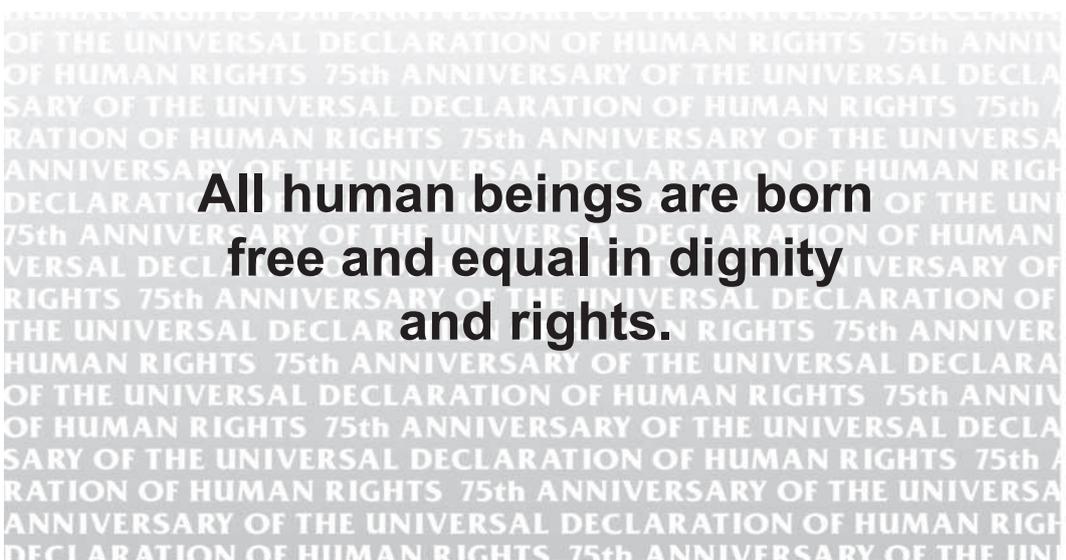
1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

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**

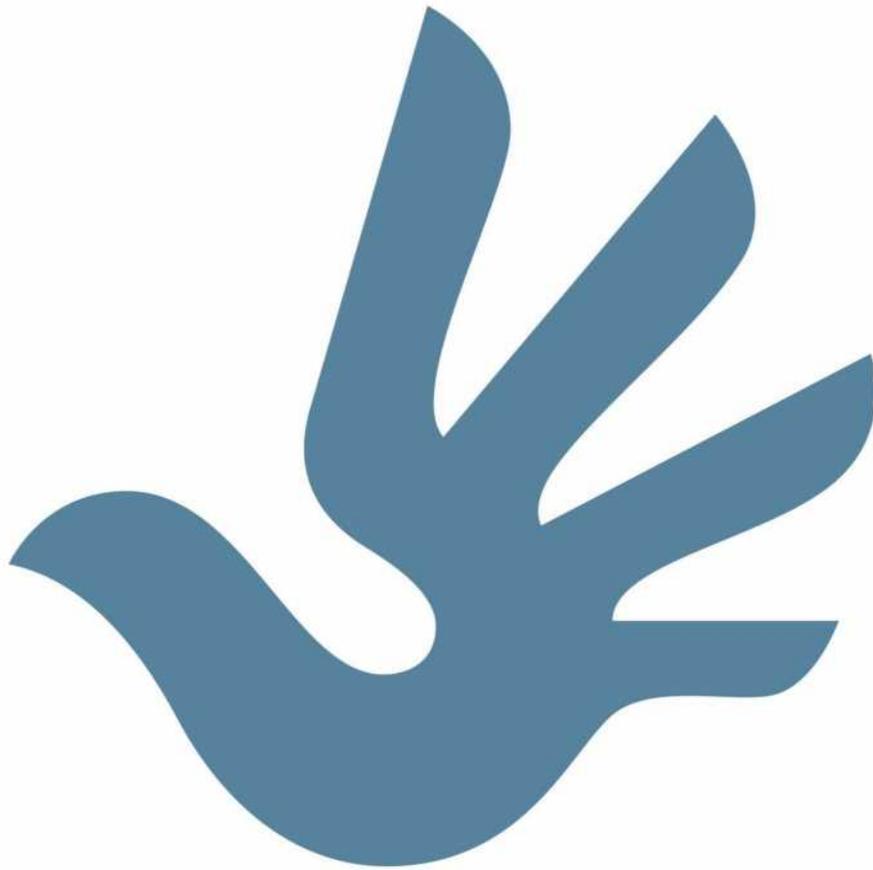
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



**All human beings are born  
free and equal in dignity  
and rights.**







**DIFFERENT PEOPLE,  
SAME RIGHTS,  
ONE SYMBOL**

**Global Alliance of National Human Rights Institutions**



**Action of Christians for the Abolition of Torture**