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Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 2

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Article 2: Freedom from Discrimination

Article 2 states that everyone is entitled to all the freedoms listed in the UDHR, “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.” The last words of this sentence – “other status” – have frequently been cited to expand the list of people specifically protected.

This language is reflected in regional instruments, such as the African Charter on Human and Peoples' Rights, the American Convention on Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The UN has elaborated rights in a number of treaties that build on Article 2 – including most recently the Convention on the Rights of Persons with Disabilities, which was adopted in 2006. It is also key to current efforts to protect *all* groups that face persecution, even those not specifically covered by a particular international Convention.

In socially conservative Indian society, IT engineer Akhilesh Godi felt he barely existed. Depressed and wrestling with questions about his sexuality, he was afraid to seek help because he thought even a therapist would label him a criminal under India’s laws against homosexuality. Other homosexuals and transgender people in India said they faced severe discrimination or blackmail because of a 157-year-old ban on gay sex.

Godi decided to push back. He was one of 20 openly gay students and alumni of various technology schools – including two women and a transgender woman – who won a ruling from India’s Supreme Court in September 2018 striking down the colonial-era law. The justices did not simply decriminalize gay sex. They ruled that from now on gay Indians are to be accorded all the protections of the Constitution. The decision was welcomed by the UN, which said “sexual orientation and gender expression form an integral part of an individual's identity the world over.”

When the Universal Declaration of Human Rights (UDHR) was drafted 70 years ago, there may not have been many who agreed. But Article 2’s prohibition on discrimination – and its more positive assertion that human rights belong to everyone – has been the foundation for spelling out rights on age, disability and other subjects that were not issues in 1948.

At that time, Chilean delegate Hernan Santa Cruz reminded his colleagues that Article 2 importantly amplified the basic provisions of the UN Charter, and commented that “the United Nations had been founded principally to combat discrimination in the world.” The Communist bloc pushed heavily from the start for clear language against discrimination.

The Declaration's first three articles are closely intertwined. Peng-chung Chang, a Chinese drafter with a remarkable knowledge of Eastern and Western philosophy, proposed that the first three Articles should reflect the main ideas of 18th century political philosophy on rights: "fraternity" (Article 1), "equality" (Article 2) and "liberty" (Article 3). Articles 1 and 2 set the tone for the entire Declaration with their prohibitions on discrimination.

Both Articles continue to impact on new and evolving international standards. In 2006, former UN High Commissioner for Human Rights Louise Arbour noted how the Convention on the Rights of Persons with Disabilities emphasized that "the celebration of diversity and empowerment of the individual are essential human rights messages," adding that it envisages "a fully active role in society for persons with disabilities."

This Convention was drafted *with* the participation of people with disabilities, moving away from an older model of having internal law made *for* people or *about* them.

Although protection grounded in the UDHR and guaranteed in other human rights treaties should apply to all, people with disabilities still can be invisible – unable to enjoy the full range of human rights.

A disproportionate number of persons with disabilities live in developing countries, often marginalized and in extreme poverty, a fact this Convention aims to change, to ensure that people with disabilities de-facto enjoy the same rights and dignity as everyone else.

This rights-based approach has also been taken up by indigenous peoples and those trying to end discrimination based on sexual orientation and gender identity. The UN itself is promoting respect for rights of lesbian, gay, bisexual and transgender (LGBT) people of all ages and in all regions of the world.

It is not necessary to create a new set of LGBT-specific rights, or set new international human rights standards. All that is required to protect LGBT people from violence and discrimination is respect for existing rights.

There are 71 countries and territories, mainly in Africa, the Middle East and parts of south Asia, where consensual same-sex relationships are still criminalized, including eight where homosexuality could result in the death penalty.

Former UN Secretary-General Ban Ki-moon has admitted that sexual orientation and gender identity are understandably sensitive issues to some. "Like many of my generation, I did not grow up talking about these issues," he told the Human Rights Council in 2012. "But I learned to speak out because lives are at stake, and because it is our duty under the United Nations Charter and the Universal Declaration of Human Rights to protect the rights of everyone, everywhere."

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