

TRIBUTE TO JOHN PETERS HUMPHREY
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Ladies and gentlemen:

It is a greater honour for me to speak to you today at this tribute to John Peters Humphrey, the man who drafted the preliminary United Nations Universal Declaration of Human Rights.

Throughout my career – as professor at St. Thomas University here in Fredericton, as chair of the New Brunswick Human Rights Commission, and as Senator and now Speaker of the Senate of Canada – I have always been aware that much of the progress the world has made in the field of human rights would not have been possible without the work of John Humphrey. That he was a fellow New Brunswicker makes me all the more proud.

In the world today, human rights are almost universally accepted as the basis for conducting human affairs. Indeed, where there is conflict, it is all too often between those who accept the universal basis of fundamental human rights and those who do not.

The idea that there are fundamental human rights that apply to all people, in all places, and at all times can be traced back to some of the world's earliest legal systems. To give an example, the Code of Hammurabi, who reigned in ancient Babylon, said that Hammurabi caused "righteousness to appear in the land ... that the strong harm not the weak."

Human rights are also contained in the most widely practiced religious traditions, including the Buddhist, Christian, Confucian, Hindu, Islamic, and Jewish traditions.

Over time, philosophers such as St. Thomas Aquinas, Baruch Spinoza, John Locke, and Jean Jacques Rousseau developed and refined our ideas of human rights.

Documents such as the Magna Carta, the United States Bill of Rights, and the French Declaration of the Rights of Man added to our thinking.

But despite all the progress that had been made in defining human rights, it took the Holocaust of the 1930s and 40s to make people understand how fragile these rights can be. That one of the most technologically and culturally advanced nations could systematically murder six million Jews simply because they were Jews forced people to realize that rather than being a domestic concern, human rights are a universal concern.

At the end of the Second World War, as the extent of Nazi atrocities became more clear, many also realized that it was necessary to spell out the fundamental human rights that belong to every man, woman, and child.

So, in 1946, the newly formed United Nations established the UN Commission on Human Rights to draft an international bill of rights. The Chair of the Commission was Eleanor Roosevelt, the former First Lady of the United States, and she handed the responsibility for drafting the initial document to John Humphrey, who was Director of the UN's Human Rights Division.

The 408-page document that Humphrey produced was the first crucial step in the process. Nearly three years of discussions and negotiations followed. Finally, on 10 December 1948, the U.N. General Assembly adopted the Universal Declaration of Human Rights.

In its 30 concise articles, the Universal Declaration sets out the fundamental human rights to which everyone without distinction is entitled. These fall into three broad groups: civil and political rights; economic, social and cultural rights; and the framework for protecting these rights.

The first two articles of the Universal Declaration acknowledge that "All human beings are born free and equal in dignity and rights," and that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind... ."

The next cluster of articles lists the basic civil and political rights to which all are entitled. The most basic of these is the right to life, liberty and personal security. Other rights are freedom from slavery, torture, and arbitrary arrest, as well as the rights to a fair trial, free speech and free movement, and privacy.

The following cluster of articles deal with economic, social, and cultural rights, including the rights to social security, fair remuneration for work done, education, and an adequate standard of living.

Finally, the Universal Declaration sets out a protective framework based on “a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

As a document, the Universal Declaration of Human Rights established the basis for other, more detailed human rights instruments. It is written in plain language, is easy to understand, and yet speaks to the most basic rights that every human being should enjoy. It has been translated into nearly 250 languages and has been incorporated in the constitutions and laws of many countries.

If I may, I would like to quote the late Pope John Paul II. Here is how he described the Universal Declaration, which he called “one of the highest expressions of the human conscience of our time”:

The Universal Declaration is clear: it acknowledges the rights which it proclaims but does not confer them, since they are inherent in the human person and in human dignity. Consequently, no one can legitimately deprive another person, whoever they may be, of these rights, since this would do violence to their nature. All human beings, without exception, are equal in dignity. For the same reason, these rights apply to every stage of life and to every political, social, economic and cultural situation. Together they form a single whole, directed unambiguously towards the promotion of every aspect of the good of both the person and society.

The broad concepts of the Universal Declaration became the basis of two legally binding international human rights covenants – the Covenant on Economic, Social and Cultural Rights; the Covenant on Civil and Political Rights. Together, they are known as the International Bill of Rights. In addition, there are a number of other treaties, such as conventions on eliminating racial discrimination and discrimination against women.

Now I would like to talk about the impact the Universal Declaration has had in Canada. Canada ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1976.

I would like to note that Canada has also ratified the Optional Protocol to the International Covenant on Civil and Political Rights. This allows individuals to complain to the Human Rights Committee of the United Nations if they feel that their rights under the Covenant have been violated.

In addition, Canada has ratified a number of other international human rights treaties, including those dealing with discrimination against women, racial discrimination, the rights of the child, and torture.

The influence of the Universal Declaration of Human Rights and the International Bill of Rights was an important factor in the creation of the *Canadian Charter of Rights and Freedoms*, which became part of our Constitution in 1982. The *Charter* guarantees a number of fundamental freedoms, including democratic rights, mobility rights, legal rights, equality rights, and language rights.

Meanwhile, in 1977, Parliament passed the *Canadian Human Rights Act*. It protects anyone living in Canada against discrimination in or by federal government departments and federally regulated industries such as banks, airlines, and television and radio stations. It also created the Canadian Human Rights Commission to investigate and try to settle complaints of discrimination in employment and in the provision of services within federal jurisdiction.

The provinces and territories have similar laws forbidding discrimination in their own jurisdictions. In this province, the New Brunswick Human Rights Commission investigates and conciliates complaints about alleged violations of the provincial *Human Rights Act*. It also prohibits certain types of discrimination in areas such as the leasing and sale of premises; public accommodations, services or facilities; and labour unions and professional, business or trade associations.

So, as you can see, the fundamental rights that are set out in the Universal Declaration of Human Rights form the basis for other instruments to protect human rights. The Universal Declaration sets out general principles and the other instruments flesh these out, adding details, and spelling out how they will apply.

Now, you may be wondering how a person from the small town of Hampton, New Brunswick could have become involved in such a significant undertaking. John Peters Humphrey was born on April 20, 1905. Sadly, he had a tragic childhood, and this influenced his course in life. Before he turned 11, he had lost both parents to cancer. He had also had his left arm amputated following an accident while playing with fire.

As though these tragedies were not enough, he suffered the taunting of his schoolmates, but these experiences built character and made him a life-long champion of the need to protect the weak.

Fortunately, Humphrey was soon able to put his strength of character to good use. He entered Mount Allison University in Sackville, New Brunswick at the age of 15, and soon transferred to McGill University in Montreal. After completing a Bachelor of Commerce degree, he went on to study politics and law.

Humphrey then left to continue his studies Paris. On the sea voyage across the Atlantic Ocean, he met Jeanne Godreau from Montmagny, Quebec, and they were married shortly after arriving in France.

Back in Montreal, Humphrey pursued his studies in international law. At the same time, he was active in the local arts and cultural communities, where he met a French refugee named Henri Laugier. After the Second World War, Laugier became an assistant secretary-general at the newly formed United Nations.

It was Laugier who asked John Humphrey to be the first director of the U.N. Human Rights Division. Laugier told him: “Ce sera là une grande aventure.”

A great adventure it turned out to be. Soon after he became director, Eleanor Roosevelt, the Chair of the U.N. Human Rights Commission, asked him to draft an international bill of rights. Humphrey and his staff set to work, studying all of the historical documents that talked about human rights. Their study gave them an understanding of the traditions surrounding human rights. After months of work, they produced their 408-page document.

This was presented to the Human Rights Commission, and one of its vice-chairs – René Cassin of France – was charged with composing a draft declaration based on Humphrey’s document. Cassin would later be awarded the Nobel Peace Prize, but there are many who think that if he had not been so modest, Humphrey might have been a co-recipient of the Prize.

Whatever his feelings in the subject, however, Humphrey told an interviewer, “To say I did the draft alone would be nonsense... The final Declaration was the work of hundreds.”

In any event, after the Universal Declaration of Human Rights was adopted, Humphrey stayed on as director of the U.N. Human Rights Division for another 20 years, and participated in many commissions and inquiries. He then returned to McGill University, where he taught until his retirement in 1994.

While in Montreal, Humphrey pursued his work in human rights. He worked as a Director of the International League for Human Rights and served as a Member of the Royal Commission on the Status of Women. He helped launch the Canadian section of Amnesty International, and helped establish the Canadian Human

Rights Foundation, which is now known as Equitas: International Centre for Human Rights Education.

In 1974, in recognition of his contributions to legal scholarship and his world-wide reputation in the field of human rights, Humphrey was made an Officer of the Order of Canada.

In 1980, John Humphrey's wife Jeanne Godreau passed away. He later married a prominent Montreal physician, Dr. Margaret Kunstler. Although he had no children of his own, he was now a member of a family that included two grown daughters, each of them mothers. Meanwhile, Humphrey kept busy, sitting on the board of several organizations.

John Peters Humphrey passed away in March 1995, a week after his McGill retirement party.

Over the past few decades, Humphrey's reputation has grown. His work in drafting the Universal Declaration of Human Rights and his many other contributions to the field of human rights are now recognized around the world.

Humphrey's work on drafting the Universal Declaration of Human Rights was re-discovered in 1988 when his notes for the draft were discovered by historian John Hobbins. On the U.N.'s 40th anniversary that same year, Humphrey was awarded the United Nations Prize in the Field of Human Rights.

He is now generally recognized as having played a central role in drafting what Eleanor Roosevelt called "The Magna Carta of Mankind." Indeed, when Nelson Mandela unveiled a memorial plaque honouring Humphrey, he referred to him as "the father of the modern human rights system."

John Humphrey's memory lives on in many ways.

Each year, the International Centre for Human Rights and Democratic Development presents the John Humphrey Freedom Award to an organization or individual for exceptional achievement in the promotion of human rights and democratic development.

Here in New Brunswick, the Hampton John Peters Humphrey Foundation provides an ongoing tribute to him by educating people about his life and about human rights issues. Indeed, in a few minutes, the Foundation will receive the 2006 New

Brunswick Human Rights Award for its outstanding work to promote human rights in New Brunswick and the legacy of John Peters Humphrey.

But, above all, Humphrey's enduring legacy can be found in the human rights systems that have been established since the Universal Declaration of Human Rights was adopted. His work on the Universal Declaration has filtered down to many countries, where it has become the basis of constitutions, treaties, and laws.

By paying tribute to John Peters Humphrey, we help ensure that his legacy endures. He is a true Canadian hero, and his life is an example for us all. For he showed us that, with hard work and perseverance, an individual really can make a difference.