

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

*Announcing CLF's 2023  
Academic Symposium*



**CLF 2023  
SYMPOSIUM ON  
Religion, Law &  
Human Rights**

*Stay tuned for information  
about dates and  
location for CLF's 2023  
Symposium on Religion,  
Law & Human Rights*

“This Declaration is based upon the spiritual fact that man must have freedom in which to develop his full stature and through common effort to raise the level of human dignity. We have much to do to fully achieve and to assure the rights set forth in this Declaration. But having them put before us with the moral backing of 58 nations will be a great step forward.”

—Eleanor Roosevelt, speech to the UN General Assembly on the adoption of the UDHR

“If there is to be perpetual peace in a world of nation states, the individuals who live in them must be free, their human rights must be respected.”

—John Peters Humphrey, Canadian lawyer and author of the first draft of the UDHR

December 10, 2023 marks the 75th anniversary of the adoption of the Universal Declaration of Human Rights. In commemoration of this milestone, CLF's 2023 *Symposium on Religion, Law & Human Rights* will be devoted to discussing the UDHR's protections and animating principles (including those which may have been overlooked over time), as well as its relevance in continuing to shape our understanding of human rights in Canada, and internationally. We are pleased to invite Canadian and international perspectives on a number of themes, including (but not limited to) the following:

- The UDHR emphasizes human dignity, along with the equal and inalienable rights of all members of the human family, as the foundation of freedom, justice and peace in the world. It also affirms that all people are born free, equal in dignity and rights, and endowed with reason and conscience. Given that this language is repeated verbatim in the human rights statutes of several Canadian provinces and territories, it merits deeper examination.
  - How should the law understand human dignity, and how might that understanding enhance our conception of human rights?
  - What does it mean for rights to be “inalienable”? How should the law define the scope and content and nature of such rights?
  - What philosophies/perspectives – both religious and secular – informed the development of the UDHR and its notions of “inherent” dignity and “endowed” human attributes? How might these – and other – perspectives continue to enrich modern human rights discourse?
- How has the UDHR been used in comparative domestic or international law?
- What does the UDHR’s emphasis on community and the “human family” teach us? How might these concepts inform our understanding of the relationship between “rights” and “duties”?
- The Supreme Court of Canada has consistently held that the Charter should be “presumed to provide at least as great a level of protection as is found in Canada’s international human rights obligations”, including the UDHR. How might the UDHR’s provisions illuminate and bolster the Charter’s protections, such as the following:
  - **Freedom of thought, conscience, and religion** (Article 18) – Canadian jurisprudence has drawn from the UDHR’s language in defining the scope of religious freedom. 40 years later, is section 2 of the Charter being “interpreted in conformity with our international obligations” (*R v. Videoflicks*)?
  - What does the UDHR’s drafting history and jurisprudence reveal about **family rights**? The UDHR affirms that the “family is the natural and fundamental group unit of society and is entitled to protection by society and the State” – it protects “the right to marry and to found a family” (Article 16), freedom from interference with one’s family (Article 12), and the right to ensure their health, well-being, and “existence worthy of human dignity” (Articles 23, 25). What do these rights entail?

- **Educational rights** – Article 26 affirms the right to education and states that parents “have a prior right to choose the kind of education that shall be given to their children”. How do/should these protections find expression in Canada’s Constitution?
- Article 22 refers to **economic, social, and cultural rights** indispensable for one’s dignity and the free development of one’s personality. What are these rights and how are they connected to human dignity and personality?

These are just some of the questions that the Symposium will explore, which will gather participants from across Canada and around the world to exchange ideas and present papers for discussion. Selected papers will be published in a special volume in 2024. Given the universal relevance of the themes that will be explored at the Symposium, the discussion and publication will be highly relevant not only to Canadian practitioners, scholars, and decisionmakers, but to individuals around the world.

“[C]ourts are called on to consider the ‘historical origins of the concepts enshrined’ in the Charter when determining the scope of a Charter right. International instruments that pre-date the Charter can clearly form part of the historical context of a Charter right and illuminate the way it was framed...the ‘drafters of the Charter drew on international conventions because they were the best models of rights protection...’ [...] it is entirely proper and relevant to consider the *Universal Declaration of Human Rights*”.

—Supreme Court of Canada<sup>3</sup>

1 The preambles of the human rights statutes of Ontario, Newfoundland and Labrador, Prince Edward Island, Nunavut, and the Northwest Territories all state the following: “Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations”. Similar language is also found in the preambles of the human rights codes of Manitoba and the Yukon.

2 *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54 at para 65, citing: *Public Service Employee Relations Act (Alta.)*, 1987 CanLII 88 (SCC), [1987] 1 S.C.R. 313, at p. 349, *Health Services and Support — Facilities Subsector Bargaining Assn. v. British Columbia*, 2007 SCC 27, [2007] 2 S.C.R. 391, at para. 70; *Divito v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47, [2013] 3 S.C.R. 157, at paras. 22-23 and 25; *India v. Badesha*, 2017 SCC 44, [2017] 2 S.C.R. 127, at para. 38.

3 *Quebec (Attorney General) v. 9147-0732 Québec inc.*, 2020 SCC 32 at para 41 (references omitted)