

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 13: Freedom of Movement

After the collapse of the Siad Barre regime in Somalia in 1991, conflict and drought forced more than 15 percent of the country's entire population from their homes. Most of them tried to build new lives in other parts of the country, usually in wretched, unsafe makeshift settlements where they cobbled huts together from discarded detergent cartons and scraps of cloth, and were subject to constant extortion and sexual violence.

Ironically, with relative peace in the capital, Mogadishu, hundreds of thousands of these internally displaced people (IDPs) face a new danger: eviction by land developers intent on rebuilding the war-ravaged seaside city.

Article 13 of the Universal Declaration of Human Rights (UDHR) guarantees freedom of movement. You should be able to travel around your own country and choose where you live.

This right is not absolute. Countries can limit the freedom of people on their territory, such as confining them to their village during an Ebola outbreak, or compel them to leave their homes if, for example, they are threatened by a typhoon or other natural disaster. But there has to be an overriding public interest: it's unlawful for a dictator to expel people from their homes to build a golf course. And evacuation of civilians during a war cannot be cover for ethnic cleansing.

Derived from Article 13 are the rights of internally displaced people, which are elaborated more fully in the UN Guiding Principles on Internal Displacement. They prohibit arbitrary displacement, and say that internally displaced people (IDPs) "have the right to move freely in and out of camps or other settlements," a principle that was not respected, for example, in the closed IDP camps for Rohingya in Myanmar's Rakhine State.

Uprooted civilians, 80 percent of whom are women, children and the elderly, should in theory be protected by their government. However, it is often this very government that caused them to flee in the first place, or is unable to protect them from lawless rebel groups, as has been the case in Colombia, the Democratic Republic of the Congo, Iraq, South Sudan and other countries.

“Better to die in a wide field
than to decay in a narrow
shanty”

–Aleksandr Solzhenitsyn,
The Gulag Archipelago

Article 13 underpins the right to seek safety in another part of the country and the right of IDPs to find a lasting solution by returning to where they used to live, settling where they found safety, or settling somewhere else in the country. Somalia has come under international criticism for trying to limit these rights and, for example, trying to force people to return to their original areas rather than allowing them to live where they feel safer.

Ukraine is another country that has been criticized for cumbersome bureaucratic procedures that have effectively stripped up to 900,000 elderly people of their pensions because – through no fault of their own – they ended up on the wrong side of the dividing line in breakaway eastern zones. These pensioners, among the 1.6 million people displaced within Ukraine since the conflict broke out in April 2014, were compelled by government regulations to cross a frontline – in areas infested with landmines – to collect their pensions.

The UN in Ukraine has encouraged the government to separate displacement status from people’s right to collect the pensions they have acquired through a lifetime of hard work, and to facilitate freedom of movement for all civilians.

Displacement is one of the central issues of our time. At the end of 2017, 68.5 million people were forcibly displaced by war, conflict and persecution, displaced at the rate of one every two seconds. This does not include a new and growing category of displaced people – those fleeing climate change.

Entire low-lying island-states, such as the Maldives, Tuvalu, Kiribati and the Marshall Islands, are in danger of being made uninhabitable by climate change – or eventually being submerged entirely. As far back as 2005, the UN Environment Programme reported some 100 villagers in northern Vanuatu had already been forced to relocate inland because of rising sea levels, and called them the world’s first climate change “refugees,” a very loose usage of the legal term. New Zealand has considered creating a new visa category to help Pacific peoples displaced by climate change.

Unlike these people forced to move, there are others who would like to travel freely within their countries but cannot. UN Women says there are 17 countries where, by law, women cannot travel outside their home in the same way as their husbands. Or they face other obstacles to their freedom of movement, such as social or cultural norms, sometimes in the guise of “protecting” them, that may keep them indoors and out of school from childhood.

UN Human Rights chief Michelle Bachelet has encouraged all of us to stand up for these rights. “It is essential that we must continue the work for the full implementation of human rights in a way that improves the lives of men, women and children everywhere,” she said.

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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