

Chapter V :Universal Declaration of Human Rights -Leah Levin

The concept of human rights is especially significant today as serious violations of human rights are being reported every day from different corners of the world. Unless people are made aware of their basic rights, they cannot be educated in the ways and means to defend themselves and to fight back when they are denied their rights.

- The extract on human rights is adapted from Human Rights: Questions and Answers by Leah Levin, the distinguished British human rights specialist.
- Leah Levin introduces the need for emphasising the importance of human rights and takes us through the various stages of the formulation of the Universal Declaration of Human Rights.
- She lists out its fundamental objectives and the provisions of the charter that refer to a wide range of issues ranging from slavery to more recent issues concerning refugees and their rights.

THE CONCEPT OF HUMAN RIGHTS

These are moral claims available for all human individuals by virtue of their humanity alone. This is because all human beings are born equal in dignity and rights

It is Universal because every human being has the right to enjoy them.

To ensure that these rights are enjoyed by everyone, these are written down as legal rights. This is done according to the law-creating processes of societies, both national and international, and ensuring the consent of the governed.

BASIC PRINCIPLES THAT UNDERLIE HUMAN RIGHTS

The values of dignity and equality of all members of the human race

These can be found in almost all cultures, civilizations, religions and philosophical traditions.

NEED FOR THE FORMULATION OF HUMAN RIGHTS

Even though all cultures, civilizations, religions and philosophical traditions give importance to the values of human dignity and equality we have seen many events in history where these values are disregarded. These values continue to be disregarded even today.

These are basic rights that every human being should have. So it is important to write them down as legal rights.

POSSIBLE REASONS FOR DISREGARD OF HUMAN LIFE AND DIGNITY

discrimination continues to exist due to

- Ignorance
- Prejudice
- Fallacious doctrines which try to justify inequality.

We find doctrines that defend slavery and **discrimination on the grounds of sex, race, colour, descent, national or ethnic origin or religious belief, or the basis of class or caste systems**, throughout history and, unfortunately, in modern times.

LANDMARKS IN THE FORMULATION OF HUMAN RIGHTS AS LEGAL, WRITTEN NORMS

The ideas of elaboration and protection of the rights of human beings have been gradually transformed into written norms.

- Many important landmarks led the way, such as, **Magna Carta (1215), the Petition of Rights (1628), and the Bill of Rights (1689) written down in England.**
- Many **National constitutions**, written down in the 18th century gave importance to the rights of the individuals and the Governments' duty to protect them
- **The French Declaration of the Rights of Man and the Citizen of 1789** and the **American Bill of Rights 1791** were based on this premise.

INTERNATIONAL TREATIES CONCERNING HUMAN RIGHTS

The first international treaties concerning human rights were linked with

- **the acceptance of freedom of religion**
 - the Treaties of Westphalia of 1648)
- **the abolition of slavery.**
 - Slavery was condemned by the Congress of Vienna in 1815
 - the Treaty of Washington of 1862
 - documents of the Conference in Brussels in 1867 and 1890 and in Berlin in 1885)
- **the elaboration of laws of war**
 - (e.g., the Declaration of Paris of 1856,
 - The First Geneva Convention of 1864
 - the Second of 1906 and the Hague Conventions of 1899 and 1907)
 - The creation of the International Committee of the Red Cross (ICRC) in 1864

AFTER WORLD WAR

Since the end of the First World War, there has been a growing belief that the governments alone cannot safeguard human rights, which require international guarantees.

- **The League of Nations**, the first universal intergovernmental organization created after the First World War. **It worked for the protection of minorities in a few countries.**
- **The standards determining the conditions of industrial workers** became the major concern for the **International Labour Organization (ILO)**, created in 1919.
- **The international Slavery Convention**, signed in Geneva on 25 September 1926, succeeded in efforts **aimed at the abolition of slavery.**
- Relevant **conventions for the protection of refugees** were adopted in 1933 and 1938.

THE WORLD WARS AND VIOLATION OF HUMAN RIGHTS

- The totalitarian regimes established in the 1920s and 1930s grossly violated human rights in their own territories.
- The Second World War brought about massive abuse of human life and dignity, and attempts to eliminate entire groups of people because of their race, religion or nationality.
- It became clear that international instruments were needed to codify and protect human rights, because respect for them was one of the essential conditions for world peace and progress.

THE UNITED NATIONS (1945)

The conviction that international instruments were needed to codify and protect human rights led to the formulation of **the Charter of the United Nations on 26 June 1945.**

The fundamental objective of UN according to the charter :

- **'to save the succeeding generations from the scourge of war'**
- **'to reaffirm faith in fundamental human rights and, in the dignity and worth of the human person and in the rights of men and women.**
- **Promote the principle of non discrimination**

The charter is a legally binding document

The provisions of the Charter have the force of positive international law because **the Charter is a treaty and therefore a legally binding document.**

All United Nations Member States must fulfil in good faith the obligations they have assumed under the Charter of the United Nations

The obligations were

- to promote respect for human rights,
- to promote observance of human rights,
- to co-operate with the United Nations and other nations to attain this aim.

However, the Charter does not specify human rights and does not establish any specific mechanism to ensure their implementation in Member States.

INTERNATIONAL BILL OF HUMAN RIGHTS

The task of drawing up an International Bill of Human Rights, defining the human rights and freedoms referred to in the Charter, was charged upon the Commission on Human Rights

On 10 December 1948, the General Assembly adopted the Universal Declaration of Human Rights as a common standard of achievement for all peoples and nations.

These rights can be broadly divided into two kinds

The first refer to **civil and political rights**, which include:

- the right to life, liberty, and security of person
- freedom from slavery and torture
- equality before the law
- protection against arbitrary arrest, detention or exile
- the right to a fair trial
- the right to own property
- political participation
- the right to marriage
- the fundamental freedoms of thought, conscience and religion, opinion and expression
- freedom of peaceful assembly and association
- the right to take part in the government of his/her country, directly or through freely chosen representatives.

The second are economic, social and cultural rights

Examples:

- the right to work
- equal pay for equal work
- the right to form and join trade unions
- the right to an adequate standard of living
- the right to education
- the right to participate freely in cultural life.

The first article of the Declaration expresses **the universality of rights in terms of the equality of human dignity**, and

the second article expresses **the entitlement of all persons to the rights set out without discrimination of any kind.**

The fundamental principle underlying the rights proclaimed in the Declaration is the inherent dignity and the equal and inalienable rights of all members of the human family.

WRITING

A. Answer in a word or sentence.

1. What are three treaties signed before the First World War that talked of human rights?
2. When was the UN formed?
3. What was the League of Nations?
4. Which organisation was created to oversee changing labour and trade laws?
5. What does the first article of the Universal Declaration of Human Rights espouse?

B. Answer in about fifty words.

1. Why do we say that the notion of human rights is universal?
2. In spite of a charter of human rights and a body enforcing it, discrimination exists. Why?
3. List out the first attempts made at writing down human rights in the form of a document.
4. Which were the two developments which indicated that strong international instruments were needed to protect human rights?
5. What is the fundamental objective of the United Nations according to the 1945 Charter?

C. Answer in a paragraph of about a hundred words.

1. What are the stages Levin identifies in the development of an international understanding of human rights?
2. What are the civil and political rights enshrined in the Universal Declaration of Human Rights?
3. What are the areas covered under the social, economic and cultural rights in the Universal Declaration of Human Rights?
4. How does Leah Levin show that the provisions of the UN Charter and the Universal Declaration of Human Rights are legally binding?
5. Trace the formulation of the Universal Declaration of Human Rights.

D. Write an essay in about three hundred words

Trace the development of international recognition for and the formulation of a written body of human rights.