

Universal Declaration of Human Rights in the UNO

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ABSTRACT: The fact is that human rights belong to all people, worldwide and all individuals, regardless of culture, gender, or race, possess certain rights that cannot be taken from them. That is why; it links all members of the human race in a chain of rights and responsibilities that have implications for law, justice, and morality. Not only have human rights just gone away because people are born in a different part of the world because they are still part of the human race. Moreover, it is to say that all people are entitled to every human right, not just certain ones. In the year of 1948 on 10th December, following the traumatic events of World War II, representatives from the 50 member states of the United Nations banded together to create a list of the rights everyone around the world should enjoy. It was known as declaration of Human Rights. There are 30 articles in this Declaration of Human Rights with 30 rights of everyone on this globe. The present research paper makes a review of these Human Rights of the UN declaration.

KEYWORDS: Human Race, Human Rights, United Nations, Jurisdiction, UDHR.

INTRODUCTION: Actually, the Universal Declaration of Human Rights (UDHR) is regarded as a fundamental document of international human rights law and has been referred to as humanity's 'Magna Carta' by Eleanor Roosevelt, who chaired the United Nations Commission on Human Rights that was responsible for the drafting of this historical document. Moreover, after some minor changes it was adopted unanimously—though with abstentions from the Belorussian Soviet Socialist Republic, Czechoslovakia, Poland, Saudi Arabia, South Africa, the Soviet Union, the Ukrainian, and Yugoslavia—by the UN General Assembly on December 10, 1948. Therefore,

it is a well-known fact that, the General Assembly of the UN proclaims the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations.

What are Human Rights?

It is to say that human rights are based on dignity, equality and mutual respect – regardless of nationality, religion or beliefs. These rights are about being treated fairly and treating others fairly, and having the ability to make choices about graceful life. Likewise, these basic human rights are universal and they belong to all of us. These rights are inalienable and they cannot be taken away from us. Here it is noteworthy to say that these Human Rights can be violated and they are not invulnerable. Reason behind this belief is that any violation can stop people from enjoying their rights. These rights are essential for freedom, justice, and peace for any individual in this universe. Most of the scholars are agree with the fact that UDHR is a historic document that was adopted by the United Nations General Assembly at its 183rd session on 10th December 1948 as Resolution number 217. As we know, the UDHR consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. Actually, this declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified.

The human rights means that each human right is equally important, deserves equal protection and promotion and can only truly be enjoyed if all other rights are concurrently implemented. Therefore, all these rights are equally significant, and they should be enjoyed as a whole, not in parts. Moreover, these rights cannot really hold a meaning unless people are granted all of their rights rather than a few here and there. Likewise, it is a well-known fact that people neither can sell their rights nor can give their rights away because they are entitled to them as a whole.

Human Rights in the UN Declaration: There are 30 articles in the UDHR consisting the same number of human rights as under:

Article-1 of the UDHR provides that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article-2 declares that everyone in this universe is entitled to all the rights and freedoms set forth 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article-3 ensures that everyone has the right to life, liberty and security of person on this planet without any discrimination.

Article-4 provides that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Thus, slavery is a crime in the modern world in all countries and it is also unconstitutional and illegal in any form.

Article-5 entitles that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment on any ground.

Article-6 makes the provision that everyone has the right to recognition everywhere as a person before the law. This provision ensures that all people are equal before the law which has provided in the article-7.

Article-7 provides that all people are equal before the law and are entitled without any discrimination to equal protection of the law. In other words we can say that all people are entitled to equal protection against any discrimination in violation of the UDHR.

Article-8 ensures that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article-32 of the Indian constitution is related to the remedial of fundamental rights.

Article-9 makes the provision that no one shall be subjected to arbitrary arrest, detention or exile without following the established process of law or due process of law.

Article-10 provides that everyone on this planet is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him in case of any crime.

Article-11 of the UDHR provides:

- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article-12 ensures that no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. In this way everyone has the right to the protection of the law against such interference or attacks.

Article-13 of the UDHR makes the provision:

- Everyone has the right to freedom of movement and residence within the borders of each State.
- Everyone has the right to leave any country, including his own, and to return to his country.

Article-14 of the UDHR provides:

- Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article-15 of the UDHR ensures:

- Everyone has the right to a nationality.
- No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article-16 of the UDHR makes the provision:

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- Marriage shall be entered into only with the free and full consent of the intending spouses.
- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article-17 of the UDHR ensures:

- Everyone has the right to own property alone as well as in association with others.
- No one shall be arbitrarily deprived of his property.

Article-18 provides that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article-19 declares that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The constitution of India provides right to freedom of opinion and expression under article-19.

Article-20 of the UDHR ensures:

- Everyone has the right to freedom of peaceful assembly and association.
- No one may be compelled to belong to an association.

Article-21 of the UDHR declares:

- Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- Everyone has the right to equal access to public service in his country.
- The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article-22 provides that everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article-23 of the UDHR makes the provision:

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- Everyone has the right to form and to join trade unions for the protection of his interests.

Article-24 declares that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. For this purpose International Labour Organization has been constituted under the supervision of the UN.

Article-25 of the UDHR declares:

- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. This right is a guarantee of social equality and social justice.
- Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article-26 of the UDHR provides:

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Article-21A has been added in the Indian constitution for this purpose.
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

- Parents have a prior right to choose the kind of education that shall be given to their children. The constitution of India lays down full responsibility of all parents to ensure basic education of their children.

Article-27 of the UDHR declares:

- Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Articles 29 and 30 are related to cultural rights in Indian constitution.
- Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article-28 declares that everyone is entitled to a social and international order in which the rights and freedoms set forth in the UDHR can be fully realized without any difficulty.

Article-29 of the UDHR makes the provision:

- Everyone has duties to the community in which alone the free and full development of his personality is possible.
- In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article-30 of the UDHR provides that nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

CONCLUDING REMARKS: Today most of the states in the world has accepted and implemented the UDHR Declaration. Moreover, it has inspired more than 80 international conventions and treaties, as well as numerous regional conventions and domestic laws. It is to say that the UDHR has been the catalyst for improving human rights protections for groups such as disabled people, indigenous peoples and women. The Constitution of India is a document rich in human rights jurisprudence. Likewise, in the most of the democratic countries, the UDHR is regarded as an elaborate charter on human rights. The Indian Constitution may be characterized as the 'Magna Carta' and Judiciary in India plays a significant role in protecting human rights. The Indian Courts have now become the courts of the poor and the struggling masses and left open their portals to the poor, the ignorant, the illiterates, the downtrodden, the have-nots, the handicapped in the half-hungry, half-naked countrymen. The same situation may be identified in other countries. Nevertheless, we cannot ignore the fact that there are so many cases of human rights violation in many countries like Pakistan and some other Arab countries. Therefore, the UN should play an active role in this regard to stop the violation of human rights in any corner of the world.

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