**CLASS NOTES**

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**Topic: Important provisions of the UDHR (1948) and its significance**

The Universal Declaration of Human Rights’ is a common standard for achievement for all peoples and all nations. The declaration, the first of its kind in history, was approved by the UN General Assembly on 10 December, 1948. The declaration provided comprehensive protection to all individuals against all forms of injustice and human rights violations. In fact, the declaration is the first international document on the rights of man. It is, therefore, 10th December is commemorated every year as ‘Human Rights Day’ globally.

**Provisions of the UDHR:**

The UDHR contains 30 Articles with a preamble. It contains specific rights such as civil, political, economic, social as well as cultural. The following is a brief account of the Articles of the UDHR:

1. Article 1 state that all human beings are born free and equal in dignity and rights.
2. Article 2 entitled to all the rights and freedoms to every one without any distinction.
3. By Articles 3 to 15 are recognized right to life, liberty and security of persons and the right of a person to fair trial.
4. Article 16 protects the right of men and women of full age to marry. Article 17 guarantees every one the right to property. Article 18 and 19 provides for one’s right to freedom of thought, conscience and religion.
5. Articles 20 and 21 guarantees the right to freedom of peaceful assembly and association.
6. Articles 22 to 27 defines economic and social rights which includes the right to work, protection against unemployment, the right to choose a job, the right to join a trade union, the right to equal pay for equal work, the right to adequate standard of living, the right to education and the right to take part in the cultural life of the community.
7. Article 28 reads, ‘everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized’.
8. Article 29 imposes corresponding duties on the community in which alone free and full development of one’s personality is possible.
9. Article 30 states that nothing in this Declaration may be interpreted as implying for any state, group or any 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 above.

Thus, the Declaration performs a two-fold function:

1. It defines precisely all the inalienable rights of mankind embodying fundamental human freedoms: and
2. It proclaims that the member states of the UN recognize that an individual human being possesses all these rights which it defines in the Declaration.

**Criticisms:**

The UDHR has been criticised severely from different angles and a few of them are:

1. The critics however, stated that the UDHR provides no effective machinery for ensuring the rights declared by it and that it is not a binding instrument.
2. In 1948, the Commission on Human Rights tried to make the Declaration binding on the states but this could not be possible as it would have provided an opportunity to the powerful states in the UN to interfere in the internal matters of other states.
3. Again, the UDHR is only in the form of a recommendation to the states.

Despite criticism, the UN General has condemned the states which have violated the Declaration. The member states can hardly afford to ignore the world organization and the world public opinion. The Declaration has become one of the best known of international document. It is a beacon light, a manifesto and statement of ideas all mankind.

**Significance of the UDHR, 1948:**

The Universal Declaration of Human Rights (UDHR) is a historic document of great importance for the mankind. It is a ‘Magna Carta’ of all men in international sphere. In order to implement the mandate of the Charter of United Nations, the UN adopted the Universal Declaration of Human Rights. The Declaration is nothing but an extension of the ideology of what states parties have conceived in the UN Charter. Its importance can be discussed which are relevant till today under the following points:

1. The adherence to the Declaration in true spirit will bring peace and security in the world obviously shows its significance.
2. The Declaration with its non-binding nature has received universal recognition without any exception and accepted by the whole international community.
3. It is a Declaration consists of specific principles of human rights and freedoms which serve as a common standard of achievements for all peoples of all nations.
4. The regular reference to the Declaration and the development of the provisions later on crystallized into International Covenant on Economic, Social and Cultural Rights, Covenant on Civil and Political Rights, and subsequently the adoption of Optional Protocol on various aspects of human rights. All these texts conferred the status on the declaration as a part of customary international law.
5. The Declaration became an extension of the UN Charter. On several occasions, various organs of the UN including the Security Council and the General Assembly quoted its provisions in a number of resolutions and documents, while resolving human rights related international problems
6. The extensive recognition and respect given to the Declaration universally, and celebration of December 10 every year by the World Community led scholars to term it as the Magna Carta of the World, by upholding the rights and fundamental liberties of the individuals.

Thus, the every aspect of human rights was crystallized in the UDHR by the United Nations. It provided a measure stick to all the nations by which the progress and promotions in the field of human rights could easily be assessed. Similarly, the UN General Assembly proclaimed that the Declaration is a common stand and an achievement of all people. It is an ideal towards which every individual and every organ of the society shall strive.

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