

## Changing Dimension of Civil, Political and Economic Rights: International Scenario

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### **Abstract**

The Universal Declaration begins with a preamble consisting of seven paragraphs followed by a statement "proclaiming" the Declaration. Each paragraph of the preamble sets out a reason for the adoption of the Declaration. The first paragraph asserts that the recognition of human dignity of all people is the foundation of justice and peace in the world. The second paragraph observes that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and that the four freedoms: freedom of speech, belief, freedom from want, and freedom from fear which is "proclaimed as the highest aspiration" of the people. The third paragraph states that so that people are not compelled to rebellion against tyranny, human rights should be protected by rule of law. The fourth paragraph relates human rights to the development of friendly relations between nations. The fifth paragraph links the Declaration back to the United Nations Charter which reaffirms faith in fundamental human rights and dignity and worth of the human person.

**Key words :** UDHR, Civil Right, Human Right

### **Introduction**

Civil Rights and Civil Liberties are political and social concepts referring to guarantees of freedom, justice, and equality that a state may give to its citizens. Although the terms have no precise meaning in law and are sometimes used interchangeably distinctions may be made. The two concepts of equality and liberty are overlapping and interacting; equality implies the ordering of liberty within society so that the freedom of one person does not infringe on the rights of others, just as liberty implies the right to act in ways permitted to others.

English, American, and French revolutions, libertarian ideals were embodied in the structure of national governments. In England, the struggle between Parliament and the absolutist Stuart monarchs culminated in the so-called Glorious Revolution of 1688. King James II was expelled, and the new king, William III, gave royal assent (1689) to the Declaration of Rights (English Bill of Rights), which guaranteed constitutional government. Subsequently, the monarch's prerogatives were limited by statute and custom. The idea of a constitutional system is described in the writings of the English philosopher John Locke, which profoundly influenced the leaders of the American colonies.

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### Universal declaration of Human Rights

Universal Declaration of Human Rights<sup>4</sup>, statement affirming the dignity and rights of all human beings, adopted by the United Nations (UN) in 1948. It is based on principles expressed in the UN Charter. The declaration is the first section of a proposed three-part international covenant, or agreement, on human rights. When adopted, the covenant will bind the participating nations in the same way as any international treaty. The two remaining sections of the covenant amplify the initial declaration in specific and enforceable terms. One is concerned with civil and political rights, and the other with economic, social, and cultural rights. The general assembly proclaims This UDHR as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

### International Human Rights Day

The adoption of the Universal Declaration is a significant international commemoration marked each year on 10 December and is known as Human Rights Day or International Human Rights Day. The commemoration is observed by individuals, community and religious groups, human rights organisations, parliaments, governments and the United Nations. Decadal commemorations are often accompanied by campaigns to promote awareness of the Declaration and human rights. 2008 marked the 60th anniversary of the Declaration and was accompanied by yearlong activities around the theme "Dignity and justice for all of us".

#### **Article 1**

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**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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**

Everyone has the right to life, liberty and security of person.

#### **Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

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**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6**

Everyone has the right to recognition everywhere as a person before the law.

**Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8**

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 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone 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.

**Article 11**

1. 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.
2. 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**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including their own, and to return to their country.

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**Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. 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**

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

**Article 16**

1. 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.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17**

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

**Article 18**

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**

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.

**Article 20**

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

**Article 21**

1. Everyone has the right to take part in the government of their country, directly or through

freely chosen representatives.

2. Everyone has the right of equal access to public service in their country.
3. 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**

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**

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

#### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### **Article 25**

1. 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, and 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.
2. 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**

1. 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.

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2. 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.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27**

1. 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.
2. 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**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. 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.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

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.

**Legal Response**

The declaration has served as the UN human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the principles of the Declaration are elaborated in international treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of Discrimination Against Women, the United Nations Convention on the Rights of the Child, the United Nations Convention Against Torture and many more.

The Declaration continues to be widely cited by governments, academics, advocates and

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constitutional courts and individual human beings who appeal to its principles for the protection of their recognized human rights. While not a treaty itself, the Declaration was explicitly adopted for the purpose of defining the meaning of the words "fundamental freedoms" and "human rights" appearing in the United Nations Charter, which is binding on all member states. For this reason, the Universal Declaration is a fundamental constitutive document of the United Nations. Many international lawyers, in addition, believe that the Declaration forms part of customary international law and is a powerful tool in applying diplomatic and moral pressure to governments that violate any of its articles. The 1968 United Nations International Conference on Human Rights advised that it "constitutes an obligation for the members of the international community" to all persons.

### **Ground Reality**

Some Islamic countries have criticized the Universal Declaration of Human Rights for its perceived failure to take into the account the cultural and religious context of Islamic countries. In 1982, the Iranian representative to the United Nations, Said Rajaie-Khorassani, articulated the position of his country regarding the Universal Declaration of Human Rights, by saying that the UDHR was "a secular understanding of the Judeo-Christian tradition", which could not be implemented by Muslims without trespassing the Islamic law.<sup>10</sup> On 30 June 2000, Muslim nations that are members of the Organization of the Islamic Conference officially resolved to support the Cairo Declaration on Human Rights in Islam,<sup>11</sup> an alternative document that says people have "freedom and right to a dignified life in accordance with the Islamic Sharia's". However, this document does not guarantee freedom of religion or gender equality, the root of many criticisms against its usage. It was also found that it is not a legally binding document and may be rejected as a legal defense in some countries (e.g., Burma, North Korea, and even in Singapore in the case of conscription of Jehovah's Witnesses and conscientious objectors.

- a. Universal declaration of human rights 1948
- b. International conventions on civil and political rights 1968
- c. International covenant on economic, social and cultural rights 1966 and its protocol.
- d. Declaration of rights to development, 1966

### **Conclusion**

The rights described in the 30 articles of the Universal Declaration of Human Rights include the right to life, liberty, and security of person; to freedom of conscience, religion, opinion, expression, association, and assembly; to freedom from arbitrary arrest; to a fair and impartial trial; to freedom from interference in privacy, home, or correspondence; to a nationality; to a secure society and an adequate standard of living; to education; and to rest and leisure. The declaration also affirms the rights of every person to own property; to be presumed innocent until proven guilty; to travel from a home country at will and return at will; to work under favorable conditions, receive equal pay for equal work, and join labor unions at will; to marry and raise a family; and to participate in government and in the social life of the community.

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The declaration affected the terms of several national constitutions that were written after World War II (1939-1945). In 1956 the UN requested progress reports on human rights every three years from member nations.

The Universal Declaration of Human Rights was prepared by the Commission on Human Rights of the Economic and Social Council (ECOSOC) of the United Nations. Eleanor Roosevelt, social activist and widow of United States president Franklin D. Roosevelt, chaired the commission. French jurist and Nobel laureate René Cassin was the declaration's principal author. In 1950 the United Nations General Assembly proclaimed December 10, the anniversary of the 1948 adoption of the declaration, as Human Rights Day. In 1963 the General Assembly approved a part of the supplementary section on economic, social, and cultural rights that prohibited discrimination on grounds of race, color, or creed.

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**References**

1. Microsoft® Encarta® 2008. © 1993-2007 Microsoft Corporation.
2. Dorsen, Norman, and Lieberman, Jethro K. "Civil Rights and Civil Liberties." Microsoft® Student 2008 [DVD]. Redmond, WA: Microsoft Corporation, 2007.
3. "Universal Declaration of Human Rights." Microsoft® Student 2008 [DVD]. Redmond, WA: Microsoft Corporation, 2007
4. Johannes Morsink, The Universal Declaration of Human Rights, University of Pennsylvania Press, p. 5
5. "Universal Declaration of Human Rights." Microsoft® Student 2008 [DVD]. Redmond, WA: Micro
6. Schabas, William (1998). "Canada and the Adoption of Universal Declaration of Human Rights" (fee required). McGill Law Journal 43: 403 soft Corporation, 2007
7. Mary Ann Glendon, A World Made New:
8. Eleanor Roosevelt and the Universal Declaration of Human"Report and Resolutions on Political, Muslim Minorities and Communities, Legal and Information Affairs". The Internet Archive. Archived from the original on 12 Oct. 2007. [http://web.archive.org/web/20071012192209/http://oic-oci.org/english/conf/fm/27/27th-fm-political\(3\).htm](http://web.archive.org/web/20071012192209/http://oic-oci.org/english/conf/fm/27/27th-fm-political(3).htm). Retrieved 10 Dec. 2008.

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