## The relevance of Universal Declaration of Human Rights



Justice Md Rezaul Hasan is a judge at the High Court Division of the Supreme Court

## MD REZAUL HASAN

common religion, then that could have been the Universal Declaration of Human Rights (UDHR), in the this declaration. The UDHR is a fundamental to their survival with dignity. Perhaps we also know that national courts. the dignity of a human being survives their death.

The UDHR, as evident from its (CoE) in 1949, with 46 member

If the community of states had a Assembly of the United Nations on December 10, 1948 and ratified by all 193 members of the UN.

All democratic states have, by sense that each of the signatories now, incorporated these basic have expressed their allegiance to human rights, described either as the fundamental rights or as the collection of some inherent rights bill of rights, in their respective for each human being, which are constitutions, so that any violation can be redressed by their respective

The European countries, on their part, founded the Council of Europe

The human rights situation is, nowadays, a basic norm used in rating the countries. Besides, in this age of information technology, human rights issues have become a matter of interest to the international community. The observations and reports made on a country may create "good" or "bad" perception about it. So, the importance of human rights issues need not be overemphasised.

preamble and contents, serves states. The UK and other members as a mutual pledge, belief and understanding among members of the international community, and 1950, in addition to their ratification it provides a common platform for of the UDHR. Moreover, to ensure all nations to peacefully coexist, to cooperate as well as to grow and CoE established the European Court survive as mankind.

instrument that records human a full-time court situated in France, recognised in the US Declaration of

of the CoE signed the European Convention on Human Rights in implementation of these rights, the of Human Rights (ECHR) in 1959. The UDHR, the basic legal Since November 1, 1998, this has been



VISUAL: SALMAN SAKIB SHAHRYAR

state can apply directly to this court.

The UK also passed the Human Rights Act, 1998 in the same year when the ECHR started functioning. This is a British domestic law and came into force on October 2, 2000. Thenceforth, this forum is available to the citizens of the UK to complain about violations and to redress the grievances under the act.

Long before the UDHR, the constitution of the United States was approved on September 17, 1787, and it became effective on June 21, 1788. With several amendments made thereafter, between 1791 and 1992. the US has incorporated these basic human rights into its constitution and has been the first to guarantee these rights, the human dignity and fair treatment to all her people. Life, liberty and pursuit of happiness were

three unalienable rights given to all humans by their creator.

These basic human rights have also been incorporated in the 1972 constitution of the newlyindependent People's Republic of Bangladesh under Chapter III, described as "Fundamental Rights" in articles 27 to 44. Most importantly, Article 44 makes the right to "enforce the fundamental right" as a fundamental right in itself.

The democratic countries of the West have, by now, conspicuously shown that these countries hold a uniform value about the human rights philosophy. They consider democracy as one side of the coin, while human rights as another. These countries have also demonstrated a strong will to zealously guard, promote and support these rights, although there are serious allegations rights, was adopted by the General and the individuals of any member Independence on July 4, 1776 as the of human rights violation, or at least

indulging in human rights violation, against some of them, particularly on the issue of Israel's unlawful occupation of Palestine's land.

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Notably, Bangladesh has shown an unprecedented respect to human rights and human dignity by rehabilitating, with her own limited resources and with the help of the UN and other friendly countries including the US, more than 1,000,000 Rohingya refugees

The issues of human rights are not at all an academic issue, nor are these any political rhetoric in Bangladesh. Article 11 of the Bangladesh Constitution, as one of the fundamental principles of state policy, affirms that "The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed."

In addition to guaranteeing this fundamental right in Chapter III of the constitution, the republic has walked further to protect, preserve and defend these rights. Hence, Article 26 (1) declares that all existing law (pre-constitutional law) inconsistent with the fundamental rights shall become void on the commencement of the constitution. While Article 26 (2) puts an embargo on the state in making any law that may be inconsistent with such rights and also mandates that the law so made shall be void to the extent of such inconsistency.

Moreover, the Supreme Court has been vested with jurisdiction, under Article 102, to entertain writ petitions and to strike down or to declare void any acts to the executives or of any other statutory authority or tribunal and even an act of parliament, if done or made in violation of Chapter III, guaranteeing these fundamental rights. Similarly, the court can prohibit as well as compel the authorities, as the case may be, to implement these rights if any application is made to it.

Apparently, the values and the scheme, in regards to democracy being one side of the coin and human rights being another, as envisioned in Article 11 of the constitution, are in harmony with those of the Western democracies and their allies.

## No gender justice without climate justice



Whenever we discuss violence against

women or gender-based violence,

our point of view still seems to be

patriarchal and limited. We fail to

accommodate the existing structural

discrimination and global risks, such

as climate change, in the discussions.

How are we supposed to study this

"violence"? Should it be limited to

domestic abuse, child marriage,

dowry, sexual harassment, rape, and

regenerative natural agriculture for

millennia. In the 60s, we were forced

to adopt the green revolution, and

now, the threat of chemical toxins

and plastic pollution is everywhere.

Female health faces tremendous

risks, so do their cultural rights.

Then, should we not study this system

of development as "violence" against

In fact, if important matters-

such as the fact that the climate

crisis is sustaining the persecution

and oppression of women or even

women?

Women have been practising

the absence of social rights?

an ecology and biodiversity conservation researcher, is director at Bangladesh Resource Centre for Indiaenous Knowledge (BARCIK).He can be reached at

PAVEL PARTHA

society, the state and agencies must be freed of this discriminatory lens.

vital. It is important to discuss how climate change makes violence against women more extreme and

have changed the production and livelihood patterns of rural women. Moreover, among climate refugees who make their ways into the slums

through the lens of patriarchy; social violence and natural risks. In reproductive health of young girls Bangladesh, cyclones, floods, river and women is at risk. Women from event was held at the climate summit, erosion, the drying of mountain a poor background have to fish in titled "Why is militarisation one Climate crisis and conservation streams, stone quarrying, mudslides, saline water, and their household of the key obstacles to mitigating must be viewed through the lens of extreme heat waves, droughts, chores are done using this water as the climate crisis?" There, the globally vibrant social and natural salinity, cold waves, excessive and well. This has led to a rise of diseases speakers talked about how war diversity, and the lens of gender is irregular rain and hail storms of the reproductive system. Many and militarisation created new women are suffering from ovarian tumours or cancer; many have to go through hysterectomies. Shefali Bibi, a woman from

Datinakhali village in Satkhira's Shyamnagar, has gone through a similar ordeal. I met Shefali, who was ill, before coming to the Dubai climate summit. She told me that many women in her village are suffering from various illnesses because of salinity. In patriarchal cultures, diseases of the female reproductive system are kept secret as "womanly problems." Hence, the heartless suffering of these women has been unknown to the world.

This year, after the cyclones Mocha, Hamoon, Tej, and Midhili, the coastal regions are now reeling from Michuang. After surviving all these climate-induced disasters, how are the women supposed to look after their health? In Shefali Bibi's house, the girls said that they suffer more during their periods now. Society does not pay heed towards the safe reproductive health of women, so women have suffered for generations because of the practice of reusing old pieces of cloth.

On December 4, an official side critical risks and conflicts. Conflicts increase violence against women. They suggested that demilitarisation and the end of war can be a climate solution from the perspectives of climate-vulnerable women in the Philippines, Vietnam, Syria or Gaza

Cop28 has started with the commitment for a Loss and Damage Fund. Until the third day of the summit, only \$655 million had been committed to it. Mamta Baragayari, a representative of international organisation Sea Changes Climate, said, "This fund that has been committed so far is in no way enough. We must discuss how this fund will be brought to the real people who are at risk, and to women. The climate crisis is definitely a crisis of leadership. In the global climate negotiations, women don't have active participation."

Sineia Wapichana, leader of Brazil's Indigenous Council of Roraima, said, "We have heard many commitments about the climate fund at various climate summits. But the indigenous people of the Amazon have not received these funds. The climate induced contests between indigenous peoples in the Amazon have led to an increased life risk for women there.

At the summit, I interviewed Dr Joyce M Mutinda, chairperson of National Gender and Equality

> Climate change is pushing women further towards the precipice of social violence and natural risks. In Bangladesh, cyclones, floods, river erosion, the drying of mountain streams, stone quarrying, mudslides, extreme heat waves, droughts, salinity, cold waves, excessive and irregular rain and hail storms have changed the production and livelihood patterns of rural women.

In regions with acute water crisis, it is the women who have to walk miles to collect a pitcher of water, and this extra load gnaws away at whatever time or energy they have left after their already gruelling work hours. PHOTO: REUTERS

provoking gender discriminationare not discussed, there is no way that violence against women will stop. From November 25 to December 10, the world observed 16 Days of Activism against Gender-Based Violence. Meanwhile, the 28th UN Climate Change Conference, or COP28, started on November 30 and will end tomorrow. I want to take this opportunity to speak about such

Climate and gender activists worldwide are bringing up these topics in various ways. Climate justice is not possible without gender justice, and at the same time, if you want to establish gender justice, climate justice is a must-have. Let's try to understand this using the variety of experiences accumulated from various parts of the world at COP28.

risks, especially the oppression of

"Climate change" is a natural process, but the "climate change" that is spoken about copiously is not at all natural. The latter is the result of carbon emissions coming from the rich and their luxurious impossible to combat climate change

lifestyle. Earth today is a burning, boiling planet. This drastic change that has been inflicted on the world is not outside the structures of colonialism, discrimination, justice and power. One of these structures is patriarchal development, which has encroached upon nature. The intolerable consequences of this are being faced by all living things, societies, and ecosystems in our world-and women are one of the worst sufferers.

Yet, rural women are one of the most notable architects of agriculture and natural conservation around the world. For the women who rely on agriculture and natural resources, livelihoods, conventional knowledge, social harmony, and cultural heritage are all under threat because of climate change. This is why climate change is an instance of patriarchal oppression. It is

astrologer and scientist from ancient Bengal, have been an important tool in practising the understanding of weather and agriculture. In fact, traditional proverbs, folklore, folk music, rural narratives, and all forms of folk wisdom have acted as a library in the art of studying the weather. But unfortunately, we have misplaced this library of folk wisdom. One of the biggest reasons behind this is our discriminatory mindset and patriarchal sense of bravado. The spread and growth of the knowledge of seedlings, of safe sources of water, of forest resources or the enormous amount of genetic resources around the world, these have all happened due to the contributions of women. But today, rural women have next to no access to agricultural knowledge and resources.

Climate change is pushing women further towards the precipice of

The narrations of Khona, an of cities, women and children are most at risk. In the city, a rural farmer, fisherwoman or a handicraft artist has no social identity. And all of this increases the amount of physical, mental and social violence towards women. What do the experiences of

Bangladeshi women in the coastal regions, in haors, chars or mountains tell us? Each region is going through an extreme water crisis, and and the situation is worsening day by day. A woman has to walk miles for a pitcher of water, and this excessive workload is gnawing away at their work hours. In Dubai, during the climate summit, the painful picture of rural women standing in long queues to get water was shown in the Bangladesh pavilion. It is equally important to answer the question of why it must be women who collect the water.

In coastal regions of Bangladesh, salinity has meant that the

Commission in Kenya. She told Indigenous women need to be part of me that climate-induced crises are increasing the risks of violence against women. Due to droughts, rural women need to go far to collect water, dig up sand, or collect firewood. So, they cannot prepare food timely, which creates familybased violence, she said, mentioning that without climate justice, we cannot achieve gender justice, as these are interconnected.

these climate discussions."

We hope that in climate or gender discussions, the risk and violence faced by women due to climate change will be given its due importance. Masking of any type of risk or violence cannot ensure gender or climate justice.

Translated from Bangla by Azmin