

# The relevance of Universal Declaration of Human Rights



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If the community of states had a common religion, then that could have been the Universal Declaration of Human Rights (UDHR), in the sense that each of the signatories have expressed their allegiance to this declaration. The UDHR is a collection of some inherent rights for each human being, which are fundamental to their survival with dignity. Perhaps we also know that the dignity of a human being survives their death.

The UDHR, as evident from its

Assembly of the United Nations on December 10, 1948 and ratified by all 193 members of the UN.

All democratic states have, by now, incorporated these basic human rights, described either as the fundamental rights or as the bill of rights, in their respective constitutions, so that any violation can be redressed by their respective national courts.

The European countries, on their part, founded the Council of Europe (CoE) in 1949, with 46 member

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preamble and contents, serves as a mutual pledge, belief and understanding among members of the international community, and it provides a common platform for all nations to peacefully coexist, to cooperate as well as to grow and survive as mankind.

The UDHR, the basic legal instrument that records human rights, was adopted by the General

states. The UK and other members of the CoE signed the European Convention on Human Rights in 1950, in addition to their ratification of the UDHR. Moreover, to ensure implementation of these rights, the CoE established the European Court of Human Rights (ECHR) in 1959. Since November 1, 1998, this has been a full-time court situated in France, and the individuals of any member



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 recognised in the US Declaration of Independence on July 4, 1776 as the

three unalienable rights given to all humans by their creator.

These basic human rights have also been incorporated in the 1972 constitution of the newly-independent 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 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 by now.

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



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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 the absence of social rights?

Women have been practising 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 women?

In fact, if important matters—such as the fact that the climate crisis is sustaining the persecution and oppression of women or even provoking gender discrimination—are 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 risks, especially the oppression of women.

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.

“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



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

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, their 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 impossible to combat climate change

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

Climate crisis and conservation must be viewed through the lens of globally vibrant social and natural diversity, and the lens of gender is vital. It is important to discuss how climate change makes violence against women more extreme and brutal.

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. Moreover, among climate refugees who make their ways into the slums

reproductive health of young girls and women is at risk. Women from a poor background have to fish in saline water, and their household chores are done using this water as well. This has led to a rise of diseases of the reproductive system. Many 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.

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

Commission in Kenya. She told 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 family-based violence, she said, mentioning that without climate justice, we cannot achieve gender justice, as these are interconnected.

Indigenous women need to be part of 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 Azran.

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