ISSN: 3107-3883 (Online)
Global E-Journal of Social Scientific Research
Vol. 1| Issue 2| February 2025| pp 36-40

Human Rights embodied in the UN Charter

Author : Mr. Abhishek Carls
Advocate, Delhi High Court
abhishekcarls@gmail.com
Source: Global E-Journal of Social Scientific Research,
Vol. 1. Issue 2, February 2025, Page Nos. 36-40
Published by: Global Center for Social Dynamic Research

UN CHARTER

I. Concept of Human Rights

"To violate Human Rights is to treat that person as though

he or she was not a Human Being"

Human Rights are the rights bestowed upon hi by reason of his birth as a human being, such rights cannot be in no case taken away from.

The origin of human rights is not of recent origin, though not codified it has been in practice for a varied period of time by rulers and kings. The first recorded occurrence of practice of human rights can be seen by the Ruler Cyrus the Great in the year 539 B.C. as soon as he captures the city of Babylon he declared that all people had the right to chose their own religion and racial equality and consequently freed all slaves.

The said record in history is called the First Charter of Human Rights. The said has had great influence on the development of human rights law as even the Universal Declaration of Human rights shares its first four principles with the said.

The human rights law has had its sources from the various documents found in history such as the Magna Carta, Petition of Rights, and the French Declaration of Rights of Man and Citizen.

The Magna Carta was forced upon King John of England after gross violations by him of ancient laws. The enumerations of the said later came to be known as the Human Rights. The said gave recognition to the right of the church to be a free organisation, widow women owning property and not remarrying, forbidding bribery and right of human to own property.

Next came the Petition of Rights, found its origin in 1628 where the Sir Edward Coke clearly laid down that no person be made subject to arbitrary arrest and imprisonment granting recognition to the right of

DOI: https://doi.org/10.64706/b51bry26

habeas corpus, that no soldiered be quartered upon the citizenry(citizens) and that martial law may not be imposed in times of peace.

Another cornerstone has been the Declaration fo Rights of Man and Citizen, 1789. The said was based on the principle that all men are born free and remain free and equal in rights. The declaration provided for the the rule against suppression, arbitrary arrest, freedom of speech, officers and positions being open to all citizens.

It would be very wrong to say that human rights only originated in certain specific areas of the world, rather the how diverse yet unified the origin is can be seen through various uprise movements throughout the world against suppression of man by another, such as in India, the movement led by Mahatma Gandhi, in USA the movement led by Martin Lurther King and Eleanor Roosevelt, in South Africa the movement led by Nelson Mandela and Desmond Tutu, in Bangladesh led by Muhamamd Yunus and in Mayanmar led by Aung San Su ki.

It human rights that guide the life of individuals throughout the world, it is true that all humans are not equally capable many a times we feel a lower strata in our society which has been torn apart for the mainstream by virtue of economic parameters, on the other hand the state's throughout the world have a prerogative of keeping care and ensuring well being of all its individuals. Thus giving shape and effect to the human rights states enact various policies which provide for the upliftment of all irrespective of any discriminations. Thus we see various policies being formulated by various state govt.'s such as the Indian Policy to provide toilets without any discriminations, or such as the Up Govt's "Prabhu ki rasoi" Scheme which gives free meal to poor in the state or such as the Rain Basera in Delhi to provide night Shelter to Homeless.

II. Development and Inclusion of Human Rights in the UN Charter

Various accounts show that at the preliminary stage of drafting of the charter at the Dumbarton Oaks Conference, the focus of the drafting committee was not to accord any gravity or momentousness to the concept of human rights and fundamental freedom to humans, rather the concern had been the streamlining and bringing discipline in the relations between states.

It was the observation of various activists that in light of such practices by the drafting committee it is quite possible that the in the charter so finalized there may be no mention of the human rights. The substantive reasons that could be fixed to the said capacity of working of the committee was that inclusion of such principles in the charter would mean their implications to the signatories of the said. And this would have repercussions on major states in the

worlds political geography, where Britain was still continuing with its colonial practices, Soviet Union would fear intervention in its internal affairs.

On such being the situation mass disappointment could be seen among the flagbearers of human rights, it was their firm demand that International Bill of Rights be made an exclusive chapter in the Charter.

To give effect to their demand over their grief they decided to propose a commission whose primary task would be to give shape to an international definition of human rights, thus the "Commission on Human Rights and Fundamental Freedom" was birthed.

The said commission drafted the declaration of human rights and submitted to the UN General Assembly, which after various amendments sanctioned the same.

Through the efforts of various activists and flag bearers of human rights today the UN charter includes the required articles that can give affect to the states respecting and honoring human rights. The UN Charter was signed on 26 June 1945 and came to effect on 24 October 1945.

The articles of the charter act as an safeguard against the arbitrary, be rather called relatively despotic rule of the states on their subjects. The need being to emancipate and protect the humans from the said above slavery of modern times.

III. Preamble and the Articles

The Preamble of the Charter reflects in concave the purpose of formation of the UN and the desired objects they pursue.

The preamble clearly echoes the concern of the drafters of the charter apropos the increasing intimidation being caused by the rising powers in the world fueled by their own greed and motives. The preamble regards war already witnessed and prospective, to be a sorrow to mankind.

Further the preamble purports to establishing conditions justice and respect for obligations arising out of treaties and other sources of internal law be manifested.

In the times of growing importance of the individual and regulated role of the state in controlling the life of individuals, the Charter says that there is need to reaffirm faith in human rights, in the dignity of human person and in equal rights of men and women of all nations.

For giving substantive and visible effect to such purpose seeked to be achieved the UN prescribes the practice to tolerate and live together in peace with one another.

The charter further says that international cooperation be made to maintain internal peace and security for the well being and protection for all

following the principle one for all, all for one.

Further that principles be adopted by states that prohibit use of armed forces in common interest of all.

Given attention to the problem of rising gap between the economically divided strata's in the society the charter seeks for employment of an international machinery for the promotion of economic and social advancement of all peoples.

Following the objectives and goals set by the Preamble the Articles move ahead to give shape them :-

Article 1 of the Charter which clearly states the purposes of the UN states that it shall be the UN's purpose to achieve internal cooperation in solving international disputes of economic, socio-cultural and humanitarian character, further the UN shall seek to promote respect for human rights and fundamental freedom for all peoples without any discrimination on basis of race, sex, language or religion.

The Charter fixes responsibility on the UN General Assembly set up which is the policy making and representative organ of the UN to study and make recommendations for the realization of human rights and fundamental freedoms for all without any discrimination.

The charter further says that with the aim of creating stable conditions fro peaceful and friendly relations between nations based on respect of equal rights of peoples, the UN shall promote :

a. Higher standard of living, full employment

b. Solutions for internal economic, social , health problems

c. Universal respect for observance of human rights and fundamental freedom for all without distinction to race, sec, language or religion.

Further the charter says that all the signatory members take a pledge for furtherance of and taking action for the achievement of purposes set forth in Article 55.

Under the functions of the organs of the UN, the charter casts upon the Economic and Social Council function to study and make recommendations for the purpose of promoting respect for observance of human rights and fundamental freedoms for all.

For the purpose of giving effect to the functions bestowed upon the organs, specifically the Economic and Social Council the Charter provides for the setting up of commissions in the economic and social fields and for the promotion of human rights.

The UN promotes the Trusteeship System, wherein such system would be prescribed for the administration and supervision of territories placed under by individual agreements, to be called trust

territories.

To which it prescribes the same purposes of the UN as laid down in Article 1, and to mark out the one assigned specifically for the promotion of human rights, -

To encourage respect for human rights and fundamental freedom for all peoples without distinction as to race, sex, language, religion and to encourage the recognition of the interdependence of peoples of the world.

Bibliography :

1. *French National Assembly. Declaration of the Rights of Man and Citizen. 1789.*

2. *Gandhi, Mahatma. The Collected Works of Mahatma Gandhi. Vol. 1-90, Government of India, 1958.*

3. *HannahArendt. The Origins of Totalitarianism. Harcourt Brace, 1951. .*

4. *Lauterbach, Hersch. The United Nations and Human Rights. Columbia University Press, 1979.*

5. *Magna Carta. Magna Carta. 1215.*

6. *Simma, Bruno, et al. The Charter of the United Nations: A Commentary. Oxford University Press, 2012.*

7. *United Nations. Charter of the United Nations and Statute of the International Court of Justice. United Nations, 1945.*

8. *United Nations. Report of the Economic and Social Council. United Nations, 1945.*

9. *United Nations. Universal Declaration of Human Rights. United Nations, 1948.*

10. *UN General Assembly. Resolution 217A (III): Universal Declaration of Human Rights. 10 December 1948.*

11. *Universal Declaration of Human Rights. United Nations General Assembly Resolution 217A (III), December 10, 1948.*