

Human Rights in Theory and Practice in the Past and Present

This chapter is in continuation of the discussion related to the translating of law into practice, nevertheless it delves into the shortcomings of the law itself covering regrettably both the Universal as well as the Islamic Declarations. Neither of the Declarations took the precaution of incorporating provisions which would have ensured its implementation, nor did the signatory states undertake measures to its enactment.

The Universal Declaration has been endorsed as a statement of supreme common objectives of the human community rather than a binding law.

In this respect Mrs. Roosevelt, chairperson of the Human Rights Committee has this to say:

“The Declaration is neither a covenant nor an international agreement, nor does it ensue any legal obligation. It is a statement of a group of rights strongly connected to man, and their implementation is wanted in the world.”^{[1](#)}

Thus, at the most this Declaration, with all that entails remained a mere legal document.

The Islamic Declaration, much to our regret, followed the same example. At the beginning of its proposals, it commences with a recommendation giving assurance of its implementation. Article 28 of the covenant which was endorsed in Tehran^{[2](#)}, says: "The member states of the organization of the Islamic Conference promise to take all the necessary measures to enact the regulations of this Declaration".

But the 19th Conference of the Foreign Ministers held in Cairo, which ultimately agreed upon the Declaration, by a majority vote decided to omit this Article, following heated debate and objections from certain secular Islamic countries, who even threatened to reject the Declaration, unless its terms coincided with their national laws. This attitude indicated a serious contraction: Islam would be rejected

unless it was adapted to suit certain countries national laws!

The Conference, however, undertook to issue a binding decision, apart from the Declaration, but it never issued it in that session nor in latter sessions and so did the Declaration remain mere ink on paper.

Moreover, I could observe no immediate effects (if this Declaration on the general situation prevailing in the Islamic world – a fact which is greatly regrettable.

But did the Universal Declaration itself produce any effects?

Undoubtedly it generated strong echoes when applied in numerous fields. However, the real fault lay in the motives of those who proposed it, (if those who tried to implement it, or those whose power, on the one hand, and their loud slogans, on the other. Drove them to present themselves as the defenders of the Declaration and its terms – I mean the western superpowers. They slay people by diverse means, violate their dignity, plunder and pillage, and yet boast of championing human rights, freedom and the like.

Through this logic, the Zionist entity, having totally usurped all human rights of the Palestinians is yet proclaimed as a progressive, democratic state while countries which do not slavishly follow the West, are described as being opponents of Human Rights.

To talk about this is too painful, particularly if we remember the right of veto possessed exclusively by the super powers, the right which itself is a gross violation of the very spirit behind Human Rights. However, this may lead us to certain other topics which are not intended to be discussed at this juncture.

We beseech Allah to grant us success in following His commands and in discharging whatever obligations have been placed upon us.

[1.](#) Allama Ja'fari, "Universal Human Rights", pg. 50 quoting Dr. Muqtadir's "The development of the U.N", pg200.

[2.](#) When the experts committee convened in Tehran from 28 –30 Jamadi ul Aul, 1410 A.H, 26– 28 December, I had a look at the covenant as I have the honor of being the chairman of that committee.

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