
A Review Of The Meaning And Importance Of The Universal Declaration Of Human Rights

Mustafa Burak ŞENER¹

Abstract

The Universal Declaration of Human Rights (UDHR), announced on the 10th of December 1948, was adopted by the UN General Assembly with the approval of 48 countries. The declaration, called the “Magna Carta of all humanity” by Eleanor Roosevelt, has gone through many difficulties from the day it was signed to the present day. Eventually, the declaration has made important contributions towards the universal acceptance, development, and protection of human rights. At present, the declaration continues to maintain its universality and importance in the same way. However, it is a matter of debate in what direction the existence of this declaration affects human rights. In this respect, this study examined why many people are suffering despite the presence of the UDHR. The first part of this study discussed the conceptual framework of human rights and examined the declarations that play an important role in the process leading to the proclamation of the Universal Declaration. Later, the study mentioned the role and importance of the UDHR and mentioned its contribution to developments in human rights as an inspiration for the new declarations that came after it. Finally, the study tried to explain the reason for the limited impact of the Universal Declaration by analyzing the adaptation process of the declaration and the difficulties it has experienced. In this context, it has been concluded that this declaration has a limited impact since the main reason for the continuation of human rights violations today is that the declaration is not binding, and sovereign states violate human rights. Nonetheless, it has been found that the declaration effectively has prevented significant human rights violations and gradually has increased its limited impact as a source of inspiration for new declarations and agreements.

Keywords: Universal Declaration of Human Rights, Human Rights, Human Rights Violations, Advancing Human Rights, United Nations

İnsan Hakları Evrensel Bildirgesi'nin Anlam ve Önemine Yönelik Bir İnceleme

Mustafa Burak ŞENER¹

Özet

10 Aralık 1948'de ilan edilen İnsan Hakları Evrensel Beyannamesi (IHEB), 48 ülkenin onayı ile BM Genel Kurulu tarafından kabul edildi. Eleanor Roosevelt tarafından tüm insanlığın "Magna Carta'sı olarak" adlandırılan deklarasyon, imzalandığı günden günümüze kadar birçok zorluktan geçti. Neticede Deklarasyon, insan haklarının evrensel nitelikte kabulüne, geliştirilmesine ve korunmasına yönelik önemli katkılarda bulunmuştur. Günümüzde de, deklarasyon evrenselliğini ve önemini aynı şekilde korumaya devam etmektedir. Ancak, bu bildirgenin varlığının insan haklarını ne yönde etkilediği tartışma konusudur. Bu bağlamda, bu çalışma IHEB'in varlığına rağmen neden insan hakları ihlallerinin devam ettiğini incelemiştir. Bu çalışmanın ilk kısmı insan hakları kavramsal çerçevesini ele almış ve Evrensel Bildirge'nin ilanına giden süreçte önemli rol oynayan bildireleri incelemiştir. Daha sonrasında çalışma IHEB'in rolünden ve öneminden bahsederek, bildirgenin kendisinden sonra gelen yeni bildirelere ilham kaynağı olarak insan haklarına yönelik gelişmelerdeki katkısından bahsetmiştir. Son olarak çalışma Evrensel Bildirge'nin sınırlı etkisinin nedenini bildirgenin adaptasyon sürecini ve yaşadığı zorlukları analiz ederek açıklamaya çalışmıştır. Bu bağlamda, günümüzde insan hakları ihlallerinin devam etmesinin temel nedeninin bildirgenin bağlayıcı olmaması ve egemen devletlerin insan haklarını ihlal etmesi nedeniyle bu bildirinin sınırlı bir etkiye sahip olduğu sonucuna varılmıştır. Ancak bildirgenin önemli ölçüde insan hakları ihlallerini engellemede etkili olduğu ve yeni gelen bildirelere ve anlaşmalara ilham kaynağı olarak sınırlı etkisini giderek arttırdığı bulgusuna ulaşılmıştır.

Anahtar Kelimeler: İnsan Hakları Evrensel Beyannamesi, İnsan Hakları, İnsan Hakları İhlalleri, İnsan Haklarının Gelişimi, Birleşmiş Milletler

INTRODUCTION

The Universal Declaration of Human Rights (UDHR) was announced on December 10, 1948, approximately three years after the end of the Second World War, is a turning point in the history of the idea of human rights. Although not binding, after the publication of this declaration, human rights has settled irrevocably in the centre of the world of thought and politics, it has become an integral part of international relations and has become global moral norms (Birinci, 2017: 50).

Since its establishment, the Declaration, adopted by most UN Member States in 1948¹, has been a broad and deep standard. It became a transformative academic and social influence. It can be accepted that it is the most important declaration that ensures compliance with human rights. Translated to 350 languages today, UDHR is the world's best known and most quoted human rights document. For the first time, it is a turning point in the history of human rights and ensures universal protection of fundamental rights (Brown, 2016: 31).

The foundation stone of the Declaration is based on the human dignity: *“recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”* (UDHR, preamble). Based upon the elements indicated in the UDHR, world society has conferred numerous human rights accords and has established courses of action for all elements of living an honourable life. Despite this, many people live in a system where human dignity cannot be achieved (Dang, 2000; Özler, 2016). However, according to Morsink, international landscapes have been profoundly changed and scattered with human rights protocols, conventions, treaties, and derivative declarations of all kinds following the adoption of the Universal Declaration of Human Rights in 1948. At the end of the 20th century, almost all cultures and states became influenced by human rights regimes. Because nearly all the articles in the Humphrey draft which is basic draft of the UDHR were matched with existing constitutions and it makes a major contribution to the authority and universality of the document (Morsink, 1999: x, 5).

As it is understood from the above, although the UDHR affects many people, it cannot be a completely preventive force. Reason of the limited power of the declaration is the tendency of state sovereignty to be against universal values, because of the Westphalian state system. The declaration becomes effective with the presence of strong global institutional mechanisms (Özler, 2018).

The United Nations is the strongest institution to provide validity of this declaration. However, the United Nations comprise of the states. Moreover, the five permanent members of the UN Security Council, which can be regarded as the upper mechanism to oversee these states, are also states. For this reason, although the declaration is universal, it encounters a number of problems in practice.

This study analyses the background, importance, challenges of the UDHR as well as exhibit why still many people are suffering despite the existence of the UDHR. In this regard, this study seeks answers to the question of how effective the UDHR is in protecting human rights.

The Concept of Human Rights

Primarily, in order to assimilate the impact of the Universal Declaration on the protection of human rights, it would be appropriate to examine the concept of human rights. By definition, human rights are the rights that a person gains with childbirth or embryo, and necessary for the individuals to establish their existence, dignity, and human living conditions (Turhan, 2013: 358). Human rights, which principally express the highest moral values, are a unique type of rights. So much so that human rights, which should be applied at all times and everywhere, without exception under any circumstances, can be considered as the highest moral principle (Donnelly, 1998: 19, 22).

Clarifying the concept of “rights” will provide a better understanding of the nature of human rights. In terms of conformity to reality, the word ‘right’ is also used in terms of fairness, justice, or what tradition requires or recognizes to the person. Legally, rights are the authority granted to individuals by the legal order. In other words, right is a legal authority (Mumcu:1994: 21). Proceeding from that, it can be

¹ The Declaration was adopted by the following 48 countries: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, and Venezuela.

mentioned that the concept of rights is quite closely related to the concepts of freedom and equality. Freedom means that a person's effort to build his/her life according to his/her own preferences is not arbitrarily blocked, especially by political authority. Thus, the concept of rights implies that one's possibilities of action shall not be restricted by ensuring this freedom (Erdoğan, 1997: 135). Freedom, on the other hand, recognizes everyone equally, and everyone can benefit from it equally (Turhan, 2013: 364). As these three concepts are closely related to each other, they were frequently mentioned while creating the Universal Declaration.²

There are some fundamental elements of the concept of human rights. It is not possible to mention human rights if there is a lack of one of these elements. The qualities of these rights can be listed as universality, innate acquisition, absolutism, indispensability, belonging to the individual, being a fundamental right, libertarianism, and responsibility for legal protection (Nal, n.d.: 36-41). The scope of the legal protection is the protection of all these listed elements by law. Impartial and independent courts must resolve disputes related to these rights (Ibid, 41, 42). These qualities, based on the principle of making the requirements for people to lead an honourable life, must be guaranteed, and protected by law (Erdoğan 2007: 88).

Background of the UDHR

Contrary to popular belief, the Universal Declaration is not just a document that emerged suddenly as a result of the destruction caused by the Second World War. The basis for the development of human rights was laid in England in 1215 with the Magna Carta, which limited the powers of the king (Spickard, 1999: 9). This declaration, which is considered the first declaration of human rights, has formed the first step of the formation of the UDHR. The Universal Declaration has been inspired by Magna Carta, and others, in preparing it (Chakrabarti, 2015).

On the other hand, the English Bill of Rights can be accepted as another significant human rights development after the Magna Carta. According to this law, which was adopted on 16 December 1689, the right to free speech in parliament and petitioning the monarch were regulated (English Bill of Rights 1689). This declaration, which touches on parliamentary rights rather than individual rights, may not be considered a significant document in terms of human rights when evaluated according to today's modern standards. However, this declaration, which was contrary to the absolutism of the era, contributed significantly to the development of human rights and ultimately to the formation of UDHR (Spickard, 1999: 9).

Also, it is necessary to mention the importance of the Declaration of the Rights of Man and of the Citizen proclaimed by France in 1789 and the Bill of Rights declared by the United States of America in 1791 in terms of the evolution of human rights. In these two declarations, it defines the rights of individuals against the state in a similar way to each other. In these declarations, referring to individual rights and freedoms, emphasis is placed on such expressions as freedom of expression, fair punishment, and equality of laws (Declaration of the Rights of Man 1789; Constitution of the United States: Bill of Rights 1791). These declarations form the basis of human rights in accordance with today's modern democratic standards (Johnson, 1990: 6-7; Spickard 1999: 10).

The efforts and initiatives of some states, institutions, and individuals for the international protection of human rights in the first half of the 20th century, especially during the second great war, are a milestone for the declaration (Birinci, 2017: 52). Concordantly, after World War II, global leaders were exerting to determine the conditions required to ensure world peace and human rights (Özler, 2017). Therefore, to better absorb background of the UDHR, efforts that especially took place in the 20th century should be examined.

At the beginning of the 20th century, the first development in the field of human rights took place at The Hague Peace Conferences. These conferences, held in 1899 and 1907 and attended by the world's leading states, are also considered as a limited step towards the development of international human rights standards implemented after the Second World War. (Birinci, 2017: 53). The Hague Conventions regulated the rights of civilians, wounded, and prisoners. These conventions did not comprehensively regulate human rights. Nevertheless, the expression "*they (prisoners) must be humanely treated*", which is mentioned in the article 4 of the 1907 Hague Convention is important for human rights (Hague Conventions of 1899 and 1907). The main contribution of The Hague Conferences has been on the basis

² see also: Universal Declaration of Human Rights articles 1, 7, 10, 16, 18, 19, 20, etc.

of ideas rather than some human rights issues in an international legal document (Birinci, 2017: 53). According to Normand and Zaidi, another importance of The Hague Peace Conferences is that for the first time, public opinion and civil society are involved in issues related to international relations. After these conferences, civil society participated in global issues more actively and started to put more pressure on the states in forming new international legal norms and organizations (Normand and Zaidi, 2008: 42).

At the meeting of the Paris Peace Conference held on January 25, 1919, it was decided to establish a League of Nations (LoN) that would ensure and maintain international peace and stability (Dockrill and Steiner, 1980: 55). The LoN was an institution that could be considered the basis of today's UN. It was founded on 10 January 1920 in Switzerland after World War I (Yurtsever and Hmaidan, 2019: 450). However, protecting human rights and the value of people in connection with it was not among the aims of the LoN. It was not considered to be the *sine qua non* of a sustainable world peace. In fact, human rights have not even been included in the LoN as a term. This neglect of human rights is one of the most fundamental features that distinguish the League of Nations from the Charter of the United Nations (Burgers, 1992: 449). Although it existed until April 1946, it is acknowledged as a precursor to the UN, and its influence still persists in the UN system today (Waxman, 2019).

The years of World War II have a special importance in the internationalization of human rights. As from the beginning of the war, there have been important initiatives for the importance and protection of human rights. Accordingly, these initiatives shed light on the establishment of the United Nations (Birinci, 2017: 61). As soon as Second World War started, a very effective campaign aimed at reviving the idea of human rights was carried out by the famous British writer Herbert George Wells. Hereat, Wells' comprehensive writings on equality and human rights, especially his most influential work, "The Rights of Man (1940)", had a great inspiration for the 1948 Universal Declaration of Human Rights, which was adopted by the United Nations shortly after his death (Partington, 2007).

The U.S. President Roosevelt, who was aware of and engaged in dialogue with Wells, became one of the most important proponents of the idea of human rights during the war. On January 6, 1941, President Roosevelt released his aspect of the Four Freedoms, consisting of "freedom of speech", "freedom of worship", "freedom from want" and "freedom from fear" in his address to the Nation in Congress. Defining freedom as "*the supremacy of human rights everywhere*", Roosevelt also stated that "*our support goes to those who struggle to gain those rights or keep them*" (Normand and Zaidi, 2008: 89). In that process, the Four Freedom-based human rights approach was taken as the basis for the new world order planned to be established after the war. Conspicuously, President Roosevelt's Four Freedom approaches is included in the preamble of the UN Universal Declaration of Human Rights (Birinci, 2017: 64-65).

In the years in which the Second World War continued with all its violence, attempts for international protection of human rights have not only remained at the level of governments, but a large number of non-governmental organizations have contributed significantly to the work in this direction. The American Law Institute, the League of Nations Associations, the Atlantic Charter Society, The Movement for Federal Union, the International League for the Rights of Man, the World Citizens Association, the Commission to Study the Organization of Peace were the main ones of these organizations (Ibid, 69).

Ultimately, from April 25 to June 26, 1945, delegates from 50 countries came together at the San Francisco Conference to establish the United Nations (UN, 13/06/2021). As a result of the devoted efforts of states and non-governmental organizations, it was decided to establish the United Nations, which will be realized on the basis of equality and respect of human rights at the conference (Birinci, 2017: 73).

According to most of the writers, the Universal Declaration of Human Rights is an extension, and an explication of the UN Charter references to human rights (Morsink, 1999: 4). In light of this information, with the establishment of the UN, the Universal Declaration of Human Rights was made possible to be announced.

Importance and Role of the UDHR in Advancing Human Rights

Throughout history, authorities have not been inclined to respect human rights, people have had to revolt against authority in order to obtain rights. This situation usually continued in this way until the adoption of the UN treaties. As an example, 13. the century of the Magna Carta, the subsequent 1789 Declaration

of the Rights of Man and the Citizen in France, and the 1791 Bill of Rights in the USA were achieved at the end of the revolutionary uprisings against the authority. From this point of view, it should be noted that although these revolutions affected the region and its surroundings, they did not have a universal structure. Thanks to the universal nature of the UN treaties and the UDHR, it has managed to influence worldwide (Viljoen, 2012).

UDHR is a revolution in international relations and has been inspiring people since its establishment. It is a vital document that has been part of international customary law so far in the UN system. Besides, the main way for human rights principles to be put into practice is through UN treaties and declarations. In this regard, UDHR forms a significant basis. UDHR has guided the development of all subsequent human rights treaties, including racial discrimination, women's rights, disability rights, and children's rights (Özler, 2018).

Besides, social scientific analysis has determined that the UN treaties are beneficial for improving human rights. Accordingly, countries that ratified UN treaties tend to protect human rights thanks to their law. For example, former Ugandan Parliament member James Mwandha stated the following regarding the Convention on the Rights of Persons with Disabilities (CRPD) agreement, which aims to protect the human rights of persons with disabilities: “*Uganda was one of the 82 signatories to the Convention on 30 March and the process towards ratification is ongoing. When the Convention is implemented, it will mark a significant paradigm shift to a human rights model of disability, embodying principles of dignity, non-discrimination, full participation, respect, equality and accessibility, and advance the rights and inclusion of all people with disabilities*” (UN, 2007). Also, many UN states recognize that international treaties, especially on human rights, are superior to domestic law or are equal in a way that does not conflict with each other (UN, 2007; Economides, 1993: 10-11). Although UN agreements regarding human rights cannot completely prevent human right abuses, they have benefited significantly to prevent those abuses (Özler, 2018)

In this regard, it can be referred that the UDHR, which can be considered as the most important declaration of the UN on human rights, has led to significant progress in human rights. In particular, although the UDHR does not provide a protection mechanism, it has provided the basis for making binding and protection mechanism agreements (Çalık, 2016: 78). Thus, the human rights conventions contained in the protection system have created mechanisms to ensure the supervision of these conventions, and thereby human rights (Çalık, 2018: 81; Sevindik, 2019: 586). For instance, the Civil and Political Rights Convention (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966 called the twin covenants contain protection systems prepared with reference to the UDHR. In addition to these, many conventions such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) are conventions that have protection systems inspired by the Universal Declaration (Çalık, 2018: 81-83).

Furthermore, in addition to universal protection systems, UDHR has also been an inspiration for forming regional protection systems. For example, the Council of Europe, established on 5 May 1949, prepared the European Convention on Human Rights (ECHR) right after its establishment, and the ECHR was signed in November 1950. The ECHR has brought ground-breaking innovations in international law and the protection of human rights with the protection mechanism it has established. This mechanism established two supranational bodies, the Commissioner for Human Rights and the European Court of Human Rights, to oversee the implementation of the Convention, and made the transactions of states against their citizens subject to supranational control (ECHR, 1949: 5, 6). In addition, it has granted individuals the right to apply to the Commission, making them subjects of international law and making their jurisdiction mandatory for all states parties to the Convention (Ibid, 19, 43). The Convention clearly stated that it has been prepared considering the Universal Declaration and that the signatory European governments would protect the rights contained in the UDHR (Ibid, 5). In addition, only the Universal Declaration has contributed to the establishment of mechanisms at the regional level not only in Europe but also in many parts of the world. In this regard, the Organization of American States, the Organization of African Unity, and the Arab League have been established and have contributed to the protection of human rights at the regional level (Çatal, 2018: 91-94).

In addition, the above-mentioned ICCPR, ICESCR, CEDAW, and CRC conventions are binding (Çalık, 2018: 83, 107, 109). Thus, although the Universal Declaration is not binding, it has become more binding by being the source of many such conventions (Sevindik, 2019: 564). Also, it is obvious that

the UN enforcing more agreements on human rights and ratifying it by countries will bring further progress on human rights. In addition, UDHR that is universal and neoteric should be taken as basis in the agreements to be made.

Throughout its history, the United Nations has held countries accountable to the high standards of UDHR, no matter if they are member states or not of the United Nations (UDHR, preamble). International human rights standards drafted afterwards had to be compliant with UDHR and always inspired. According to Stamatopoulou, UDHR has expanded human rights mechanisms for the promotion and protection of human rights, including the United Nations High Commissioner for Human Rights (Stamatopoulou, 1998: 281, 282).

The declaration includes, not only basic, civil, and political rights, which are recognized by democratic constitutions, but also economic, social, and cultural rights have been determined by general definitions. The first group of rights includes the right to life, freedom, and personal security, as well as arbitrary arrest, protection from prison and exile, and fair and public trial in independent and impartial courts (Wells, 2015:8). Also, they have freedom of thought, conscience, religion, assembly, and organization. In this context, in addition to the UDHR is a universal and inclusive right, it is a statist declaration that states must implement human rights for their citizens.

Rights Regulated by the Universal Declaration (Abbreviated)					
Article 1	Right to Equality	Article 11	Right to be Considered Innocent until Proven Guilty	Article 21	Right to Participate in Government and in Free Elections
Article 2	Freedom from Discrimination	Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence	Article 22	Right to Social Security
Article 3	Right to Life, Liberty, Personal Security	Article 13	Right to Free Movement in and out of the Country	Article 23	Right to Desirable Work and to Join Trade Unions
Article 4	Freedom from Slavery	Article 14	Right to Asylum in other Countries from Persecution	Article 24	Right to Rest and Leisure
Article 5	Freedom from Torture and Degrading Treatment	Article 15	Right to a Nationality and the Freedom to Change It	Article 25	Right to Adequate Living Standard
Article 6	Right to Recognition as a Person before the Law	Article 16	Right to Marriage and Family	Article 26	Right to Education
Article 7	Right to Equality before the Law	Article 17	Right to Own Property	Article 27	Right to Participate in the Cultural Life of Community
Article 8	Right to Remedy by Competent Tribunal	Article 18	Freedom of Belief and Religion	Article 28	Right to a Social Order that Articulates this Document
Article 9	Freedom from Arbitrary Arrest and Exile	Article 19	Freedom of Opinion and Information	Article 29	Community Duties Essential to Free and Full Development
Article 10	Right to Fair Public Hearing	Article 20	Right of Peaceful Assembly and Association	Article 30	Freedom from State or Personal Interference in the above Rights

Source: own editing, data source: University of Minnesota Peace and Environment Resource Centre, http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-5/8_udhr-abbr.htm, last downloaded on 03.10.2021.

On the other hand, although UDHR has considerable influence, it cannot fully ensure the protection of human rights because of its limited impact. According to Hekimler, the reason for the limited impact of the UDHR is that the binding clause is limited, more clearly, the Declaration does not impose

international obligations. In a sense, the declaration is not a legal text, but it has characteristics that are more of an ethical value (Hekimler, 2009: 16, 17).

A study conducted by Our World in Data examined human rights scores on a country basis between 1946 and 2017. Although it varies from state to state, states have generally tended to reduce human rights violations as they come to the present. It is also worth noting that research in the 1950s could not fully reflect the breaches since it did not have enough resources on the African continent (Our World in Data). Indeed, it would not be correct to attribute all these positive developments to the Universal Declaration. It can be said that the innovations brought by our era, such as today's developments, globalization, are also effective in this. However, it should be noted that the Universal Declaration and the binding UN conventions and protection systems inspired by it have an essential role in the advancing of human rights (Özler, 2018).

Challenges and Adaptation of the UDHR

At the time of the Universal Declaration of Human Rights published, 58 states were members of the UN and 48 of these states voted in favour on the publication of the Declaration. Of the remaining 10 states, 8 voted abstaining, while the remaining 2 did not participate in the vote. In this context, no state has voted against the declaration. These eight abstention votes are given by the USSR, Belarus, Ukraine, Poland, Czechoslovakia, Yugoslavia, Republic of South Africa, and Saudi Arabia. Their reasons for the abstaining vote are distinct. According to Morsink, remarkable point is that none of these countries voted against the Declaration (Morsink, 1999: 11, 12).

Policies of countries that abstain from voting are different. While socialist countries put forward an ideological reason, Saudi Arabia enounced a different reason. Saudi Arabia cast abstaining votes, citing Articles 16 and 18 of the Universal Declaration of Human Rights. Because of the reasons was not considered suitable according to Saudi Arabia's sharia in which 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 find 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"*; and in 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."* the country abstained from a voted (Daban, 2019: 173).

The Republic of South Africa, on the other hand, exercised the abstaining vote right in order to maintain its apartheid policy. Because the clause of the UDHR, especially in Article 5, *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,"* was far from the policies of South Africa. In other words, South Africa exercised abstaining votes in the voting of this Declaration for the continuity of the apartheid policy (Doig and Mukadam, 2016).

As a result, according to Morsink, these countries attended the meetings, expressed their opinions and were in discussion. By this means, he stated that abstaining vote of the countries does not harm the universality of the declaration as much as the rejection of the countries (Morsink, 1999: 24).

In addition to the adaptation process of the states, the UDHR faces some challenges. Sovereign state system causes the lack of implementation mechanism. In this regards, weak monitoring and support mechanism is the main problem of the declaration. Because, the UDHR does not have a mechanism for the states to ensure implementation of the declaration (Özler, 2018).

There have been many positive developments in the process since the adoption of the Universal Declaration. As a result of these developments, the mechanism of UDHR has become stronger and the accountability of states has been improved. Notwithstanding these developments, the actions of states maintain selective and optional. Authorities can reject everything with finding an excuse (Ibid).

During the formation of the Universal Declaration, countries such as the United States and the United Kingdom criticized the declaration because it restricted the sovereignty of states (Morsink, 1999: 306, 307). Therefore, the United States has wanted the declaration to be in the style of the mere declaration and not in the style of the binding convention (Ibid, 295). Today, the Universal Declaration is criticized for the same reasons. Particularly, countries where authoritarian regimes rule, criticize the provisions in the UDHR. They perceive the Declaration as a product that the West wants to impose on the world (Hekimler, 2009: 21). Moreover, in many countries, struggles to achieve these rights are still continuing,

or serious human rights violations continue to occur even if the UDHR and the UN agreements are recognized. On the other hand, scores of people continue their lives far from the consciousness that they have these rights (Ibid, 20, 21).

According to Huntington, the international system was built by the West, legal rules were written by them, and the United Nations was shaped by the Western values. Also, people's cultural and religious identities will be the main source of clashes in the world. In this regard, it can be expressed that the UDHR derives from Western civilization, therefore, it has some contradictions with the Islamic and Eastern culture (Huntington, 2000: 24). For example, according to Sharia, a man can marry four women and is allowed to beat his wife. Moreover, if they commit adultery, a penalty of stoning may be imposed. In this regard, it cannot be argued that these rules are in line with the human rights. Huntington also argued that countries need to westernize to a certain extent in order to modernize (Ibid:43). Regarding human rights, it is certain that, countries need to adopt their values with the UDHR charters. At this point, they need to harmonize their culture and values with the declaration through modernization, westernization, or both. Because the declaration states the criteria that a human need to live a dignified life. This right of the individual must be universal. Therefore, regardless of the modernization and westernization of states, what they need to do is adapting to the declaration in somehow.

CRITICISM AND CONCLUSION

Today, human rights have been handled more seriously than in previous years in both national and international print and visual media. The United Nations and the UDHR have significant contributions to these developments in human rights.

There have been major developments in the context of human rights since the Universal Declaration was published. However, gross human rights violations continue today because the Universal Declaration is not binding, and sovereign states stimulate human rights abuses. Nonetheless, it is clear that if there were no Universal Declaration of Human Rights, these violations would have been more. In particular, thanks to the Universal Declaration and the declarations inspired by it, there has been a positive development in human rights. In addition, even today, the declaration continues to be an inspiration. Thus, the UDHR plays an essential role in the advancement of human rights even today.

The purpose of the Universal Declaration is to ensure that all rights are applied equally. Therefore, no right is superior to another. Nobody will want to live in a world where everyone has a high level of welfare but the absence of freedom of expression. Moreover, rights are interrelated. In this sense, in a world where there is no freedom of expression, it is almost impossible for everyone to have a high level of welfare.

In conclusion, it is not possible to mention that UDHR does not have any influence on human rights or can effectively protect human rights worldwide. Instead, UDHR has a limited effect on protecting human rights. Thus, if the idea that UDHR is fully effective prevails, people may think that no reform is necessary. On the other hand, if UDHR is considered ineffective, people may not consider reforming the declaration, and the declaration remains insufficient. However, knowing that the declaration has a limited impact on human rights will be a factor that will enable reform work to be carried out in the future on insufficient points of the UDHR and UN conventions.

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