

**Speech delivered by Mr. Abdul Matin Khasru, MP,
Hon'ble Minister of Law, Justice and Parliamentary
Affairs on 29 November 1998 at British Council,
Dhaka to mark the 50th Anniversary of Universal
Declaration of Human Rights.***

*Mr. Chairman,
His Excellency Mr. David C. Walker,
Hon'ble Chief Guest,
Mr. Justice A.T.M. Afzal,
Mr. Mahmudul Islam, Attorney General of Bangladesh,
Hon'ble Judges from Home and Abroad,
Distinguished Guests, Excellencies, Ladies anti Gentlemen,
Assala-mu-Alaikum,*

1. At the very out set, I would like to express my sincere thanks to British Council for organizing British-Bangla Law Week on the occasion of completion of fifty years of Declaration of Human Rights and giving me the privilege of attending this function as a guest and delivering an address to this distinguished gathering.
2. I am confident that the deliberations on Human Rights here will lead to a better understanding of the human rights issues in all its complexities, and the outcome would meet the needs of the time in a manner useful to humanity and constructive to our national legal order.
3. The Constitution of Bangladesh was adopted through a democratic process reflecting the sovereign will of the people. It was a Constitution ingrained with democratic norms and values as well as fundamental human rights. The success of democracy and realization of democratic values depend on a proper environment created by the actors in the political scene who must have faith and conviction in the utility and effectiveness of the rule of law which is a basic feature of the Constitution. The Constitution of Bangladesh came into operation in December 1972. It not only embodied the principles of

* The Editorial Board does not edit speeches.

constitutionalism, rule of law and human rights, it made specific provisions in articles 44 and 102 for realization and enforcement of those as well. It is undeniable that a strong judiciary is the best safeguard against violation of, and best protection for preservation of, human rights. Article 7 of the Constitution provides for the supremacy of the Constitution, i.e. for constitutional governance of the state and the guardianship of the Constitution was given to the Supreme Court. It is a matter of historical fact that judiciary can flourish only in a truly democratic system of Government which can succeed in an environment of civility and respect. Compromise, not confrontation, accommodation, not acrimony must be the words we should use to describe democracy which alone guarantees human rights and transparency in all spheres of administration.

4. Our government has commitment to the principles of the charter of the United Nations and, as such, adheres to the human rights principles. It is part of our culture and constitution. We have a functioning democracy in our country with complete transparency of action. The Government is fully accountable to the people and the Parliament. The press enjoys full freedom and the Opposition is assertive. We will, therefore, pursue the human rights goals as a matter of principle. We will practice them in a holistic, integrated, objective and non-selective manner. We will not accuse others if we have reasons to be accused. We will not sit on judgement. We will only others to lend their helping hands so that human beings do not suffer and anti-humanity goes through an uplifting experience. Bangladesh has already acceded to nine major Conventions and with increasing experience and confidence it shall gradually accede to all other major Conventions.
5. The Universal Declaration of Human Rights was fittingly termed by Javier Perez De Cuellar, a former Secretary General of the United Nations, as a "major milestone in human progress".

The year 1998 is an auspicious occasion on several accounts. It is marked by the 50th anniversary of the Universal Declaration of Human Rights (UDHR). The Anniversary coincides with the Five-year Implementation Review of the Vienna Declaration and the Programme of Action (VDPA). The event, just two years before the turn of the century, affords us a unique opportunity for making an assessment of the progress made in 50 years since the adoption of the Universal Declaration. It provides us also an occasion to evaluate the

progress in implementing the VOP A and taking cognizance of the impediments to its implementation.

6. Bangladesh as a member of the United Nations is committed to *All Human Rights for All*. So, it has become an imperative to effectively implement the Vienna Declaration and Plan of Action adopted at the world conference of human rights held in June 1993. However, proper and effective mechanisms are yet to be evolved in this country. But due to lack of awareness, economic poverty and effective mechanisms in the legal field the conditions of enjoyment for human rights could not be achieved and in many cases stand as an impediment in the way of proper protection and upholding human rights. For achieving sustainable human development in Bangladesh and realization of a truly democratic society that the diverse forms of deprivation affecting people from all walks of life should be eliminated. The eradication of human rights violations can be possible through the strengthening of the democratic institutions in the country.
7. Modern civilization is to a great extent, founded on law and justice. Access to justice is the birth right of every human being without any discrimination like other fundamental rights codified in chapter III of the Constitution.
8. Since the adoption of the Universal Declaration of Human Rights in December 1948, the international community has made considerable progress towards the promotion and development of transnational jurisprudence of substantive human rights embodied in a good number of international conventions, global and regional, general and specialized. Effective mechanisms for the enforcement of human rights in the national, regional and international systems or justice are a fundamental requisite as without such mechanisms human rights will remain unfulfilled injunctions in the constitutions or in the regional and international conventions. "An impartial judiciary composed of competent judges is the best guarantee of proper administration of justice, and in the final analysis, of defense of human rights.
9. Judicial activism plays a vital role in bringing in the social transformation. It is the judicial wing of the state that injects life into law and supplies the missing links in the legislation. Thus, where the legislature falters; the judiciary corrects. Having been armed with this power of review, the judiciary comes to acquire the status of a catalyst