

History of Human Rights

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HISTORY OF HUMAN RIGHTS

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Introduction: It is commonly understood that each and every human is entitled to some rights which cannot be taken away except with due process of law.

Human rights are inalienable fundamental rights to which a person is inherently entitled because he or she is a human being..

HISTORY OF HUMAN RIGHTS

Ancient world with respect to human rights...

CYRUS CYLINDER: In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for Man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script.

Known today as the Cyrus Cylinder, this ancient record has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

From Babylon, the idea of human rights spread quickly to India, Greece and eventually Rome. There the concept of "natural law" arose, in observation of the fact that people tended to follow certain unwritten laws in the course of life, and Roman law was based on rational ideas derived from the nature of things.

A) **ANCIENT NEAR EAST:** Some of the old codes have discussed and enlarged the importance of human rights some of these are as below....

1) **URUKAGINA OF LAGASH:** Reforms of urukagina of lagash had put a lot weightage to the human rights in earlier 2350 b.c and it is being considered as one of the earliest reforms with respect to human rights.

2) **NEO SUMERIAN CODE OF UR NAMMU:** in earlier 2050 b.c code of neo summaries of your nammu was issued in which great light and weightage have been given to human rights.

3) **CODE of hammurabi :** In 1780 b.c the code of hammurabi was issued which dealt to the rights of women, men, children and slave rights.

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2. GREEK AND ROMAN LAW: In Greek, human rights was discussed with reference to documents of Greek stoicism and in Roman law with reference to Hellenic stoicism. Both focused on natural law and rights. Roman law developed Jus gentium as universal rights whilst Romans considered some universal rights beyond the rights of citizenship..

3. EARLIER ISLAMIC CULPHATE:

With the emergence of Islam on the world map given birth to pile of rights to the human enumerated from QURAN and SUNNAH.

A) Charter of Madina: charter of Madina was enforced in 622 b.c between MUHAMMAD(S.A.W) and the Yathrubs, Magan and the Jews. Charter of Madina established certain rights in shape of women rights, collecting money for the strong relationship with tribes, weapon was prohibited in secret and holy places, security of the community, tax system was imposed, right to religion was given, security of individuals was given of utmost importance and a judicial system was brought in order to justice to each and every one.

B) Last address of the holy prophet: last address of the prophet being considered as one of the significant and comprehensive address which surely given pile of rights to which each and every human being is entitled.

Islam condemned slavery, murder and female infanticide etc

MIDDEL AGES:

Documents asserting individual rights, such as the Magna Carta (1215), the Petition of Right (1628), the US Constitution (1787), the French Declaration of the Rights of Man and of the Citizen (1789), and the US Bill of Rights (1791) are the written precursors to many of today's human rights documents.

3.The Magna Carta:

The Magna Carta, or "Great Charter," was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world.

In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. Among them was the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct.

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Widely viewed as one of the most important legal documents in the development of modern democracy, the Magna Carta was a crucial turning point in the struggle to establish freedom.

4. Petition of Right

The next recorded milestone in the development of human rights was the Petition of Right, produced in 1628 by the English Parliament and sent to Charles I as a statement of civil liberties. Refusal by Parliament to finance the king's unpopular foreign policy had caused his government to exact forced loans and to quarter troops in subjects' houses as an economy measure. Arbitrary arrest and imprisonment for opposing these policies had produced in Parliament a violent hostility to Charles and to George Villiers, the Duke of Buckingham. The Petition of Right, initiated by Sir Edward Coke, was based upon earlier statutes and charters and asserted four principles: (1) No taxes may be levied without consent of Parliament, (2) No subject may be imprisoned without cause shown (reaffirmation of the right of habeas corpus), (3) No soldiers may be quartered upon the citizenry, and (4) Martial law may not be used in time of peace.

5. AGE OF ENLIGHTENMENT:

In this period the John Locke, Rousseau's philosophies advocated people for liberty and inalienable rights to which human being is entitled.

Locke developed the concept of natural right understood as human rights.

6. US DECLARATION OF INDEPENDENCE, 1776:

4) On July 4, 1776, the United States Congress approved the Declaration of Independence. Its primary author, Thomas Jefferson, wrote the Declaration as a formal explanation of why Congress had voted on July 2 to declare independence from Great Britain, more than a year after the outbreak of the American Revolutionary War, and as a statement announcing that the thirteen American Colonies were no longer a part of the British Empire. Congress issued the Declaration of Independence in several forms. It was initially published as a printed broadsheet that was widely distributed and read to the public.

Philosophically, the Declaration stressed two themes: individual rights and the right of revolution. These ideas became widely held by Americans and spread internationally as well, influencing in particular the French Revolution.

7. PHILADELPHIA CONVENTION:

7: Written during the summer of 1787 in Philadelphia, the Constitution of the United States of America is the fundamental law of the US federal system of government and the landmark document of the Western world. It is the oldest written national constitution in use and defines the principal organs of government and their jurisdictions and the basic rights of citizens.

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8. FRENCH REVOLUTION WITH RESPECT TO RIGHTS OF MEN AND WOMEN,1789.

In 1789 the people of France brought about the abolishment of the absolute monarchy and set the stage for the establishment of the first French Republic. Just six weeks after the storming of the Bastille, and barely three weeks after the abolition of feudalism, the Declaration of the Rights of Man and of the Citizen (French: La Déclaration des Droits de l'Homme et du Citoyen) was adopted by the National Constituent Assembly as the first step toward writing a constitution for the Republic of France.

The Declaration proclaims that all citizens are to be guaranteed the rights of “liberty, property, security, and resistance to oppression.” It argues that the need for law derives from the fact that “...the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights.” Thus, the Declaration sees law as an “expression of the general will,” intended to promote this equality of rights and to forbid “only actions harmful to the society.”

9 : The First Geneva Convention (1864)

The original document from the first Geneva Convention in 1864 provided for care to wounded soldiers.

In 1864, sixteen European countries and several American states attended a conference in Geneva, at the invitation of the Swiss Federal Council, on the initiative of the Geneva Committee. The diplomatic conference was held for the purpose of adopting a convention for the treatment of wounded soldiers in combat.

The main principles laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation to extend care without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transports and equipment with the distinctive sign of the red cross on a white background.

10: World War II had ranged from 1939 to 1945, and as the end drew near, cities throughout Europe and Asia lay in smoldering ruins. Millions of people were dead, millions more were homeless or starving. Russian forces were closing in on the remnants of German resistance in Germany's bombed-out capital of Berlin. In the Pacific, US Marines were still battling entrenched Japanese forces on such islands as Okinawa.

In April 1945, delegates from fifty countries met in San Francisco full of optimism and hope. The goal of the United Nations Conference on International Organization was to fashion an international body to promote peace and prevent future wars. The ideals of the organization were stated in the preamble to its proposed charter: “We the peoples of the United Nations are

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determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”

The Charter of the new United Nations organization went into effect on October 24, 1945, a date that is celebrated each year as United Nations Day.

11 : BETWEEN WORLD WAR 1ST AND 2ND AND AFTER WORLD WAR 2:

After world war 1 certain treaties in shape of treaty of versalies was made at the end of WW 1st as a result of this treaty, league of nation was made in 1919 which had significant value at time and worked till 1939.

After world war 2 development had been made which paved way with the emergence of UNO(united nation organization in 1945 and Four Geneva convention with later 3 protocols.

12: UDHR (Universal Declaration of Human Rights).

The significant one was and still is universal declaration of human rights as known as UDHR. The UDHR was declared by the UNO General Assembly on December 10th 1948 in view of situation and atrocities committed by the standing armies of counties against humanities in world war 2 and also as a result of some significant social movements as feminism, labour rights and women rights movements. Pakistan is a signatory to this UDHR and so is binding on Pakistan to protect and create conditions that culminate in an environment where every individual is respected in his /her being as human.

12) MODERN DEVOLPMENTS:

Till recent times various developments took place in human rights; some of which are listed below.

- 1)ECHR: European convention on human rights:
- 2) American convention on human rights:
- 3) African charter of human and people rights:
- 4) ICCPR.
- 5) ICRSCR.
- 6) CEDAW.

A number of treaties and conventions have been ratified regarding labour , children and women rights.