

# A QUICK RUN THROUGH MAJOR INTERNATIONAL HUMAN RIGHTS DOCUMENTS

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## **A Quick Run Through Major International Human Rights Documents**

Though the ideals behind the concept of Human Rights have reflections in Judeo-Christian writings and archaic documents such as the Cyrus Cylinder and Asoka's Pillars; Human Rights law in its modern sense has its roots in the Enlightenment (1650-1800). The evolution of Human Rights in its modern sense has to be traced to this period.

Yet, a cursory look over different documents of antiquity is necessary to comprehend the timeline of the evolution of human rights. This material aims to present a chronological run through important instruments which have led to the formation of the current existent human rights regime. The concept of human rights is old as human civilisation. Reflections of ideals on which humans rights were based can be found in early scriptural writings, even though they cannot be considered as the main source of the concept of human rights in the modern sense.

As discussed above, the concept of human rights in its modern sense dates to the Enlightenment period; but the regime was established under the international legal plane only after the Second World War with the establishment of the United Nations and the UN Charter recognising the universality of Human Rights. This was followed by the core human rights treaties enacted during the latter half of the 20<sup>th</sup> century.

### **The Cyrus Cylinder, 539 BC**

The Cyrus Cylinder is an ancient clay cylinder which contains a royal declaration in the name of the Achaemenid king Cyrus the Great. It depicts the victory of the Persian King Cyrus over Nabonidus the Babylonian King. It is referred to as the oldest known charter or symbol

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of universal human rights. The cylinder received much attention in the scholarly world when Mohammad Reza Pahlavi, the last Shah of Iran, called it ‘the world’s first charter of Human Rights.’ Critics widely criticised Shah’s declaration and termed it a political stunt to draw in the attention of the world to Iran’s past glory. The Cyrus Cylinder is not an edict or declaration of rights but merely recites the activities of Cyrus which resembled human rights concerns such as religious tolerance. But it deserves attention for being the oldest relic depicting events which implies the exercise of certain ideals relevant to human rights.

### **Charter of Liberties, 1100**

Also known as the Coronation Charter, the Charter of Liberties was a written proclamation by Henry I of England upon his accession to the throne. It enshrined royal declarations to limit his own power and concessions to barons and clergy. Henry I was forced to issue concessions to barons through the Charter of Liberties to repair the ill-will created by his predecessor. The charter also contains rights of widows and children of barons. The charter was a predecessor of the iconic Magna Carta and had profound influence on the drafting of the same. The Charter of Liberties is an example of an early document embedding the concept of rule of law.

### **Magna Carta, 1215**

The Magna Carta was remains an iconic instrument in the history of constitutional documents. It was signed by King John of England due to pressure by feudal barons to limit his power and protect their rights. The Magna Carta has influenced lawmakers around the world and it forms the basis of constitutional law across English speaking nations. Drawing influence from the Charter of Liberties it embodied the concepts of rule of law and due process and forms part of England’s unwritten Constitution.

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**The Statute of Kalisz, 1264**

The Statute of Kalisz is an important document in history of human rights, even though the document was drafted on Jewish rights in Poland. It is also known as the General Charter of Jewish Liberties. Issued by the Duke of Greater Poland Boleslaus the Pious, it enshrined privileges and rights of Yiddish Jews in Poland during the era. The document receives recognition because it embarks upon the concepts of equality and religious tolerance. The drafting of the document itself was a rare event, considering the anti-Semitic attitude that prevailed during the era.

**The Bill of Rights, 1689**

The Bill of Rights was a historic act of the British Parliament. The Bill was enacted to limit the power of the crown, bring in provisions for parliamentary rights and freedom of speech in during parliamentary sessions. The Bill also forms part of the unwritten British Constitution. It embarks on the concepts of rule of law, right to life and dignity. The Bill of 1689 also influenced the drafting of the US Bill of Rights.

**Virginia Declaration of Rights, 1776**

The Virginia Declaration of Rights is an iconic document in the history of the United States of America. The document expressly declared the inherent rights of men and enshrines the right to equality, independence, life and liberty and the pursuit of happiness. The following iconic sentence from the United States Declaration of Independence is derived from the Virginia Declaration:

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed"*

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The document asserts the basis of democracy and the power of the people, stating that the Government derives the power from the citizens. The Declaration influenced the drafting of the US Declaration of Independence, the Declaration of the Rights of Man and of the Citizen, the US Bill of Rights.

### **US Declaration of Independence, 1776**

The US Declaration of Independence stands out as an important Constitutional document. The declaration is a major statement on Human Rights, especially the right to self-determination and the right to a fair and efficient Government. The document reflects the Virginia Declaration of Rights and is based on the Judeo-Christian worldview.

### **Declaration of the Rights of Man and of the Citizen, 1789**

The Declaration of the rights of Man and of the Citizen forms the backbone of all documents drafted during the French Revolution. The declaration is a very important document in the history of human rights as it assumed the universality of human rights and expressly recognised their egalitarian nature. The declaration was influenced by the philosophies of individualism, social contract and separation of powers which were prevalent during the Enlightenment.

### **US Bill of Rights, 1789**

The US Bill of Rights is the collective name for the first ten amendments to the Constitution of the United States. The Bill is considered to be an American national human rights document. The Bill had drawn influence from the Virginia Declaration, English Bill of Rights and Magna Carta. The Bill proposed fundamental rights including right to freedom of speech, right of the press, assembly, right to arms etc.

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**United Nations Charter, 1945**

Drafted during the aftermath of the Second World War, the Charter of the United Nations is the first international legal document which affirmed the universal and egalitarian nature of human rights and forms the basic document of the international human rights regime. It recognised the fundamental nature of human rights under international law, affirmed the equality of men and women and the Charter enshrines the promotion and respect of human rights as one of the purposes of the United Nations.

**Universal Declaration of Human Rights, 1948**

Enacted by the General Assembly of the United Nations, the Universal Declaration of human Rights form the foundation for Human Rights documents of the modern era. It is considered an iconic document of Human Rights, though it lacks binding force on States. The Declaration embodies a list of Human Rights provisions considered to be most fundamental and authentic. Even though the provisions in the Declaration are not binding they have been translated to treaty provisions, customary international law, regional agreements and domestic law.

**International Covenant on Civil and Political Rights, 1966**

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty administered by the United Nations and forms part of the International Bill of Human Rights. The Convention enshrines human rights issues of the first generation. As of January, 2014 the covenant has 74 signatories and 167 parties.

**International Covenant on Economic, Social and Cultural Rights, 1966**

The Covenant is a multilateral treaty complimentary to the ICCPR and forms part of the International Bill of Human Rights. The covenant enshrines human rights provisions

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belonging to the second generation of human rights. As of January, 2014 the covenant has 70 signatories and 161 parties.

### **International Bill of Human Rights and Core Human Rights Treaties**

The modern international human rights legal regime consists of the International Bill of Human Rights and along with other core treaties on human rights as according to the Office of the UN High Commissioner of Human Rights. The list of core treaties as provided by the UN Office is a non-exhaustive list of human rights instruments which have been convened after the end of the Second World War. The following form the body of core human rights treaties:

- International Convention on the Elimination of All Forms of Racial Discrimination
  - International Covenant on Civil and Political Rights
  - International Covenant on Economic, Social and Cultural Rights
  - Convention on the Elimination of All Forms of Discrimination against Women
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
  - Convention on the Rights of the Child
  - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
  - International Convention for the Protection of All Persons from Enforced Disappearance
  - Convention on the Rights of Persons with Disabilities
  - Optional Protocol to the Covenant on Economic, Social and Cultural Rights
  - Optional Protocol to the International Covenant on Civil and Political Rights
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- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Optional Protocol to the Convention on the Elimination of Discrimination against Women
- Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention on the Rights of Persons with Disabilities

Additional, to these core human rights treaties, the rest of the international human rights regime is constituted through other treaties (bi-lateral and multi-lateral), customary international law, and soft law instruments; namely UN General Assembly Resolutions and UN Security Council Resolutions.

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