

Lecture #2

HISTORY OF HUMAN RIGHTS



- Ideas of justice and human rights possess a long and rich history.
- They did not originate exclusively in any single geographical region of the world, any single country, any single century, any single manner, or even any single political form of government or legal system.
- They emerged instead in many ways from many places, societies, religious and secular traditions, cultures, and different means of expression, over thousands of years.
- Indeed, they took millennia to evolve...
- The concept of human rights is as old as the civilization. This is evident from the fact that almost at all stages of mankind there have been a human rights documents in one form or the other. The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new.
- Several ancient documents and religious teachings may be considered to be human rights.

The Code of Hammurabi ;one of the most significant and remarkable contributions to the historical evolution of law came from King Hammurabi (c 1792-1750 BCE), who ruled ancient Babylon.

His famous Code of Hammurabi is the oldest set of complete laws known to exist in the world. Hammurabi himself described his code as representing 'the laws of Justice'

Laws take the form of *if* and *then*. If someone does this, then this will happen...¹

The Code of Hammurabi, written in orderly groups of columns and paragraphs, contains nearly 282 separate provisions of commercial, criminal, and civil law. These provisions cover different aspects of trade, labor, property, family, slavery, and the "eye for an eye, tooth for a tooth" punishment.

¹ Some of the Provisions were: Slander (insult): "If anyone "point the finger" at a sister or the wife of any one, this man shall be taken before the judges and his brow shall be marked (cleared, by cutting the skin, or perhaps hair.)"
Trade: "If a herdsman makes false returns of the natural increase, he shall be convicted and pay the owner ten times the loss.
Slavery: "If anyone takes a male or female slave of a freed man, outside the city gates, he shall be put to death."
Theft: "If anyone is committing a robbery and is caught, then he shall be put to death."



The black stone stele containing the Code of Hammurabi. It is currently on display in the Louvre the world's largest art museum and a historic monument in Paris, France.

The Cyrus Cylinder : The cylinder was created in 539 BCE

The Cyrus Cylinder or Cyrus Charter is an ancient clay cylinder a declaration by Cyrus the Great (ruler of the Persian Empire) who established reforms through this cylinder.

The Cylinder has also been called the oldest known charter or symbol of universal human rights

And also considered a base of the human rights declaration (UDHR). It is translated into all six official languages² of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

Cyrus the Great recognized & protected, what are now called the right to liberty & security, freedom of movement, right to property & even certain economic & social rights and created the first humane, equal and religiously tolerant empire that consisted of different languages, races, religions and cultures.

He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality.



Discovered: Babylon, Mesopotamia by in March 1879

Present location: Room 52, British Museum, London

² These are Arabic, Chinese, English, French, Russian and Spanish.

The Religious Teachings:

The leading traditions like Hinduism, Judaism, Buddhism, Confucianism, Christianity and Islam, in spite of their differences, contradictions and conflict, have a humanist perspective that supports human rights and respect the dignity of all people.

K'ung Fu Tzu or Confucius establishes the Confucianism. The highest virtue: "Jen" is the principle "to love all men."

Divine scriptures of Jews(Torah), Christians (The Bible)and Muslims(The Holy Quran) address the questions of people's duties, rights, and responsibilities.

The teachings of the Prophet Muhammad (the last Prophet sent by God for mankind) are outlined in the Qur'an, which emphasizes racial and religious tolerance, charity and equality.

The Concept of Natural Law: From Babylon, the idea of human rights spread quickly to India, Greece and eventually Rome. There the concept of "natural law" arose.

According to John Locke (b. 1632, d. 1704) a British philosopher, every human being has a natural right to life, personal liberty, and property, and that no governmental authority has power to deprive individuals of these rights.

The Magna Carta³ also called Magna Carta Libertatum (Latin for "the Great Charter of the Liberties"), is a charter granted by King John of England on 15 June 1215, although it was against the will of King John.

The English Magna Carta of 1215 granted by King John is very much significant in the development of human rights.

The Magna Carta dealt mostly with the rights of barons and the Roman Catholic church. However, it also guaranteed the rights of women and children who inherited property. It established the principle that everyone is subject to the law, even the king, and guarantees the rights of individuals, the right to justice and the right to a fair trial.

Some of the rights the document contained were 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. It also contained provisions forbidding bribery and official misconduct.

³ The whole document is written in Latin, and the original Magna Carta had 63 clauses. England's nobles (called barons), church leaders, and the common people disliked King John. He demanded too much money from his people. The barons drew up the Magna Carta to limit his power. John was too weak to resist them. It was a peace treaty between the King and the rebel barons

English ⁴Bill of Rights 1689:

It was a British law passed by the Parliament and declared not only its supremacy over the Crown in clear terms but also the rights and liberties of the people.

The Bill of Rights established a **constitutional monarchy**⁵ in Great Britain (where the King or Queen has a largely ceremonial position) and clearly established that the King and/or Queen may not by themselves establish new courts of law nor may they act as a judge.⁶

The French Declaration of the Rights of Man and of the Citizen, 1789

It is one of the most important papers of the French Revolution. This paper explains a list of rights, such as freedom of religion, freedom of speech, freedom of assembly and separation of powers. All men have these rights. It introduced a new social and political order.

Further the declaration served as the basis for many Constitutions, framed in different countries, where the framers gave top priority to human rights.

Main theme: "men are born and remain free and equal in rights..."

The U.S. Bill of Rights, 1791

The first colonies to revolt against England were the thirteen States of America.

On July 4, 1776 the United States Congress approved the Declaration of Independence.

Thomas Jefferson was the primary author.

Main theme: individual rights and the right of revolution.

USA Constitution was written in 1787, the oldest written constitution in use. For the Constitution to take effect, it had to be approved by nine of the 13 states. However, many states were not ready to approve the Constitution.

⁴ A written statement that explains the basic freedoms and rights of citizens is generally called a bill of rights.

⁵ A monarchy is a political system in which power resides in one person or family and is passed from generation to generation through lines of inheritance. There are two main types of monarchy: Absolute monarchy exists when the monarch has unrestricted power (Oman, Saudi Arabia) and the Constitutional/parliamentary monarchy where actual authority is with parliament (UK, Sweden)

⁶ Some of the important freedoms/liberties mentioned in the English Bill of Rights were:

- ✓ Freedom to elect members of Parliament, without the king or queen's interference
- ✓ Freedom of speech in Parliament
- ✓ Freedom from royal interference with the law
- ✓ Freedom to bear arms for self-defense
- ✓ Freedom from cruel and unusual punishment and excessive bail
- ✓ Freedom from taxation by royal prerogative, without the agreement of Parliament

As a result, James Madison wrote 12 amendments and presented them to the First Congress in 1789. On December 15, 1791 ten of the amendments were passed and made part of the Constitution. They would later become known as the Bill of Rights.⁷

The overall theme of the Bill of Rights is that the citizen be protected against the abuse of power by the officials of the States

It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion.⁸

The League of Nations+ International Labour Organization:



The League of Nations was an international organization, created after the First World War to provide a forum for resolving international disputes and ensuring peace and security(made no provision for protection of Human Rights) but failed to maintain peace during World War II.

The International Labour Organization (ILO) is an international organization created in Geneva in 1919 to end the exploitation of workers in the industrializing nations of that time and aimed for better working conditions and standard of living. In 1946, this organization has become a special organization of the United Nations.

The International Labour Organization (ILO) aims to promote social justice through recognizing the labour rights by protecting work rights and improving the lives of workers and their families.

The executive body of ILO consists of representatives of governments, employers and workers.

The founding mission : Social justice is essential to universal and lasting peace.⁹

The ILO Country office for Pakistan was set up in 1970 in Karachi and later moved to Islamabad.¹⁰

The United Nations (UN) : established in 1945.



⁷ In the United States, the first 10 amendments to the Constitution are called the Bill of Rights.

⁸ Some of the provisions are:

- ✓ Freedom of Expression
- ✓ the right to gather or assemble in a group to protest or for other reasons.
- ✓ citizens can own weapons to protect themselves.
- ✓ anyone accused of a crime is innocent until proven guilty
- ✓ the government cannot take anyone's property without paying for its use.

⁹ For details kindly visit: <https://www.ilo.org/global/about-the-ilo/lang--en/index.htm>

¹⁰ It has covered a wide range of activities so far: promotion of International Labour Standards; prevention and elimination of child and bonded labour; job creation through employable skills; mainstreaming gender equality.

It was founded to replace the League of Nations following World War II and to prevent another conflict.

One of its main purposes is the promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."

The name "United Nations", coined by United States President Franklin D. Roosevelt was first used in 1942, during the Second World War.

In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter.

Universal Declaration of Human Rights (UDHR) 1948



- The term 'human right' was first coined by Thomas Paine and used in his English translation of the French Declaration of the Rights of Man and Citizen
- However, it was Eleanor Roosevelt who suggested in 1947 that the term 'Rights of Man' be changed to 'Human Rights'.
- The Universal Declaration of Human

Rights, adopted by the UN General Assembly on 10 December 1948.

- The Commission on Human Rights was made up of 18 members from various political, cultural and religious backgrounds. Eleanor Roosevelt, widow of American President Franklin D. Roosevelt, chaired the UDHR drafting committee.
- The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN.