

Bibliography

ASEAN Intergovernmental Commission on Human Rights. "ASEAN Human Rights Declaration." Association of Southeast Asian Nations. Accessed February 18, 2023. <https://asean.org/asean-human-rights-declaration/>.

The ASEAN Human Rights Declaration, adopted in 2012, upholds many articles within the UN Charter and other prior international declarations, however has faced criticism and support for articles original to itself. It has been praised for including specific articles on the right to safe drinking water and sanitation, the right to a clean and sustainable environment, protection for those suffering from diseases such as HIV, and the right to economic development. It has been criticized for the absence of other globally accepted rights such as the right to association. One of the clauses most heavily criticized by the international community is Article 7, which reads "At the same time, the realisation of Human Rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical, and religious backgrounds." This article is seen as stating that local law supersedes universal human rights.

Council of the League of Arab States. "Arab Charter on Human Rights." United Nations. United Nations. Accessed February 18, 2023. <https://digitallibrary.un.org/record/551368?ln=en>.

The Arab Charter on Human Rights (2004) was the first Human Rights declaration created in the Arab world to be Ratified. It has been heavily criticized for being lacking in protections for many groups, with articles allowing "positive discrimination established in favor of women by the Islamic Shariah", lacking religious protections due to clauses stating that freedom of religion is subject to local law, as well as criticisms for lacking implementation of many other articles. The article prohibiting slavery and indentured servitude has been criticized as multiple signatories practice the "Kafala System" of labor. The Oxford Handbook of the International Relations of Asia described the Arab Charter as setting the bar for human rights

well below the globally accepted standards. Other areas of the document simply uphold articles provided in other documents such as the UN Charter.

Draft Committee. "Universal Declaration of Human Rights." United Nations. United Nations. Accessed February 19, 2023. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

The Universal Declaration of Human Rights is potentially the single most important piece of human rights documentation adopted at any point in history. It was the first universal human rights document, not discriminating in any capacity against a particular culture, political system, gender, religion, etc. It was truly universal, and was ratified by all members of the UN in 1948. It took inspiration from several historical sources. Its structure was based in the code Napoleon, and its concept was based in the "Four Freedoms", which the allies sought to impose upon the totalitarian axis powers as a war aim. In the time between the conclusion of the war, and its drafting, rigorous debate took place over how to categorize all rights so that no future nation may impose the same conditions on its people as Nazi Germany had. This wartime background inspired the truly universal language, and comprehensive articles which make it such an important document. It includes articles that have been mentioned in this bibliography many times over, as later documents all drew upon it as inspiration. Right to life, prohibition of slavery, right to adequate living, freedom of thought, opinion, religion, conscience, association, individual rights, movement, rights against torture, rights of women, rights of cultural freedom, etc. It also contained articles specifically legally defining the various terminology so that the verbage could not later be manipulated or circumvented on technicality. They defined concepts of dignity, liberty, equality, etc.

Economic and Social Council. "International Covenant on Civil and Political Rights." OHCHR. Accessed February 18, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

The International Covenant on Civil and Political Rights is widely considered to be one of the most important documents in international law ever written. It is in effect globally, being ratified by 113 parties. It is the basis for later documents and declarations, and is considered to be comprehensive in its articles. While not contained within the document, countries often apply “reservations” before ratification, which are usually to make the covenant and existing constitutional clauses compatible. The Covenant includes articles on individual rights, community rights, civil rights, political rights, bodily rights, prohibitions on arbitrary punishment, torture, slavery, judicial requirements, integrity of the court, fair trials, the right not to be deprived of subsistence, the right to self determination, and others. The covenant openly champions democratic principles such as the right to vote, equality before law, freedom of thought, religion, etc.

Economic and Social Council. “International Covenant on Economic, Social and Cultural Rights.” OHCHR. Accessed February 18, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

The International Covenant on Economic, Social, and Cultural rights is another 1966 UN Declaration on Human rights which focuses on articles revolving around things such as Labor rights, Social Security, Family, Education, Health, and Cultural rights. It thus includes articles prohibiting the exploitation of child labor, the right to food, housing, access to healthcare, free education, etc. There are overlaps within this Covenant, and the Covenant on Civil and Political rights, such as reiterating in Article 12 the right not to be tortured, or medically experimented upon.

de Gouges, Olympe. “Declaration of the Rights of Woman and of the Female Citizen.” LIBERTY, EQUALITY, FRATERNITY: EXPLORING THE FRENCH REVOLUTION. Accessed February 19, 2023. <https://revolution.chnm.org/d/293/>.

The Declaration of the Rights of Woman and of the Female Citizen was a non-legally binding civil rights document drafted by French Feminist Olympe de Gouges, which was made

in response to the Declaration of the Rights of Man and of the Citizen. It was focused specifically on the rights of women that were left out of the previous document, and was also revolutionary in positing that Women were deserving of both citizenship and the same legal rights as men before the law. It would become a major influence on later French and European feminists, and Olympe de Gouges would become a martyr in the feminist cause after being executed alongside the Girondists during the reign of terror. She was the only woman to be executed solely on the basis of their political writings.

Human Rights Committee. "African Commission on Human and Peoples' Rights." African Commission on Human and Peoples' Rights Legal Instruments. Accessed February 18, 2023. <https://www.achpr.org/legalinstruments/detail?id=49>.

The African Commission on Human and Peoples' Rights is an important document within the African Union, previously the Organisation of African Unity. The document creates definitions and terms of human rights meant to be standardized across the continent, and is thus a part of the AU's mission to maintain peace and prosperity in Africa. The document is enforced via the African Court of Justice, and African Court on Human and Peoples' Rights. Compared to other documents, the ACHPR also imposes obligations upon the general populace, including duties such as serving the national community, paying taxes, and preserving African cultural values. Many of the Articles within the document are common throughout other prior documents, such as inviolability of humans, protection from discrimination in all categories, free association, etc.

Indian Law Resource Center, Organization of American States. "American Declaration on the Rights of Indigenous Peoples." Organization of American States, 2016. <https://www.oas.org/en/sare/documents/DecAmIND.pdf>.

The American Declaration on the Rights of indigenous Peoples was a human rights declaration adopted by the Organization of American States in 2016. It revolved around indigenous rights, and affirmed existing human rights, as well as containing articles supporting

the self-determination for indigenous peoples, rights to education, rights to health, rights to culture, rights to land, rights to natural resources on their indigenous land, as well as more specific provisions. An important feature of the document is the inclusion of group specific provisions meant to cater to the needs of different groups in order to protect their various rights more effectively. It also contains provisions meant to combat violence and discrimination against indigenous women. Like previous OAS declarations, it is enforced via the Inter-American Commission on Human Rights, and Inter-American Court of Human Rights.

Jefferson et al. "Declaration of Independence: A Transcription." National Archives and Records Administration. National Archives and Records Administration. Accessed February 18, 2023. <https://www.archives.gov/founding-docs/declaration-transcript>.

The Declaration of Independence was the founding document of the United States of America. Though battles have already occurred in the thirteen colonies, the founding fathers officially declared independence with this document, outlining the political goals of the revolution, as well as the grievances held against the crown. Similarly to the English Bill of Rights, it opened with a list of grievances accusing the reigning monarch (and colonial authority by extension) as having breached unwritten, but widely accepted rights and laws, which served as the motivation for the revolutionary movement in America to declare independence in the first place. Several of the grievances were actually rights in the English Bill, and Claim of Right as well, which were breached in the new world colonies regardless. This includes breaches such as quartering of soldiers. This document is somewhat of a negative declaration of rights, as it doesn't list rights on their own, but the deprivation of said rights, thus implying that these offenses are in the revolutionaries eyes, rights.

Madison et al. "The Bill of Rights: A Transcription." National Archives and Records Administration. National Archives and Records Administration. Accessed February 19, 2023. <https://www.archives.gov/founding-docs/bill-of-rights-transcript>.

The American Bill of Rights is the name for the first ten amendments in the United State's Constitution. These ten rights include rights to assembly, freedom of religion, right against quartering of troops, right to bear arms, right to a speedy and fair trial, right against cruel and unusual punishment, etc. It is a continuation of the legal traditions set forth by the English Bill of Rights, Claim of Rights, and previous American revolutionary documents. The Bill of Rights is not the definitive list of Rights afforded to Americans, as sixteen other amendments were passed later in American History over the next 200 years.

Mason, George. "The Virginia Declaration of Rights." National Archives and Records Administration. National Archives and Records Administration. Accessed February 18, 2023. <https://www.archives.gov/founding-docs/virginia-declaration-of-rights>.

The Virginia Declaration of Rights was a document drafted in 1776 by George Mason, alongside other American revolutionary figures, to declare inherent rights. The document is constitutional in nature, addressing not just rights but also restrictions on the government, and governmental structure as a whole. It influenced the Declaration of Independence later that year, as well as being contained in an updated form in the modern Virginia Constitution. Some of the Articles (called Sections in the document) describe rights such as life, liberty, and property, which became a cornerstone of American rights law later on. Judicial rights are also explained in detail, including the right to free trial, for a speedy trial, and use of impartial juries. The document also builds upon earlier British acts by stating excessive bail and excessive fines are illegal, as well as warrants requiring evidence before issuance. The final article states that "All men are equally entitled to the free exercise of religion", despite using inherently Christian language elsewhere.

National Constituent Assembly. "The Declaration of the Rights of Man and of the Citizen, 1789." Accessed February 19, 2023. https://constitutionnet.org/sites/default/files/declaration_of_the_rights_of_man_1789.pdf.

The Declaration of the Rights of Man and of the Citizen was a seminal document in French history, being drafted by French Revolutionaries inspired by the works of American revolutionaries the decade prior. The Declaration was composed of multiple amendments of civil rights including sanctity of law, equality before law, judicial freedoms, freedom against arbitrary detention, use of public services for the benefit of man, innocence until judged, accountability of civil servants before the public, protection of private property, and declaration of law being a representation of the general will of the public. The document notably only applied to citizens, which at the time could only be men. It also did not abolish nor speak against the institution of slavery, which would be abolished in 1794 by the Jacobins, before being reinstated by Napoleon in 1802. There were also unofficial freedoms which were simply legally gray as the result of not being specifically outlawed in penal codes drafted shortly after in accordance with the declaration, such as Homosexuality.

Parliament of England. "English Bill of Rights (1689)." Avalon Project . Accessed February 18, 2023. https://avalon.law.yale.edu/17th_century/england.asp.

The English Bill of Rights is a Parliamentary Act which can be seen as a sibling document to the Scottish Claim of Rights. An early document in the history of Human and Civil rights, it was drafted in order to communicate which actions committed by James II of England had violated to justify his overthrow, and soon after evolved into a codified form of unofficial rights believed by Parliament to be held by themselves, and the common Englishman. The Bill and Claim of Rights both served as the basis for later legislation after the Acts of Union, and served as the influence behind later documents such as the American Bill of Rights. The Rights were similar to the Claim, building upon prior habeas corpus acts, protecting the independence of law from royal prerogative, and strengthening parliamentary independence and rights.

Parliament of Scotland. "Claim of Right Act 1689." Legislation.gov.uk. Statute Law Database, February 1, 1978. <https://www.legislation.gov.uk/aosp/1689/28>.

The Claim of Right Act was an act passed by the Convention of the Estates in 1689. It is considered a foundational document in the history of constitutional law in both Scotland, and the United Kingdom. It guaranteed freedom of speech among the Scottish Parliament's members, as well as strengthening their status within the government's structure. Unlike the rest of Europe which was undergoing the Age of Absolutism, the United Kingdom would go on to diminish the royal prerogative in favor of diluting power amongst different institutions, including Parliament. In 1707, the Claim of Rights was extrapolated to the rest of the United Kingdom following the Act's of Union. Its significance in constitutional law is the guarantee of the law as being supreme, as well as several civil rights including prohibition of forcible quartering of troops, imposing of extraordinary fines, and right to petition.

Philadelphia Convention. "The Constitution of The United States." National Archives and Records Administration. National Archives and Records Administration. Accessed February 19, 2023. <https://www.archives.gov/founding-docs/constitution>.

The Constitution of the United States is obviously a Constitutional legal document. It provides the framework for the government of the United states, delegating various powers to the different branches of government. The preamble of the constitution is relevant to Human Rights as it states the document and government's intention to create a state with true justice, and the promotion of general welfare. The constitution also provides clauses for the separation of powers, with the intent of making tyrannical or unjust rule impossible. The constitution is an important legal document internationally as it also inspired other nations' future constitutions, such as the Japanese Constitution. The Principal author would also have a close relation with the author of the Declaration of the Rights of Man and of the Citizen, and thus Thomas Jefferson is inspired with partially inspiring it.

United States Public Servants. "Basic Documents - American Declaration - Cidh.oas.org." Inter-American Commission on Human Rights. Accessed February 18, 2023. <https://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm>.

The American Declaration of Human Rights was one of the world's first international general declarations regarding human rights. While it has largely been superseded by the Inter-American Commission on Human Rights, countries which haven't signed the later documents are still bound to the Declaration. The treaty is technically not legally binding, but it is held by superseding bodies such as the Inter-American Court of Human Rights to be so. The declaration upholds equality before law, right to sanitary living conditions, rights to cultural benefits, rights to fair trial, right to nationality, etc.

Wollstonecraft, Mary. "A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects." Accessed February 19, 2023.
<https://www.earlymoderntexts.com/assets/pdfs/wollstonecraft1792.pdf>.

Mary Wollstonecraft wrote this text as a book centered around feminist philosophy, though at the time it was revolutionary in this, and was one of the only texts of its kind. Its central ideas took enlightenment era philosophy, and she argued that women were capable of rational education, and thus could contribute to society, and should therefore be afforded the chance to do so. The label of these ideas as feminist is anachronistic, as at the time feminist philosophy didn't exist in large quantities, and thus existed on its own separate from another movement at the time of publication. Wollstonecraft used the rhetoric of sensibility to great effect, and so she is attributed in helping further the movement of sensible thinking that has sometimes been attributed to the expansion of human rights efforts not just including women, but the English slave trade as well.

Working Group on Indigenous Peoples, Economic and Social Council. "United Nations Declaration on the Rights of Indigenous Peoples." United Nations. United Nations. Accessed February 19, 2023.
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

The DOTROIP was a legally non binding declaration adopted by the United Nations in 2007, with eleven abstentions. It is based around the codification of rights pertaining to

indigenous peoples in nations across the world, elaborating on existing rights, and changing many to apply specifically in the cases of indigenous peoples on the basis of their circumstances. The DOTROIP makes recommendations such as returning of lands to indigenous peoples, programmes for restoring the health of indigenous communities, and protecting the rights of indigenous peoples.