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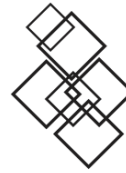
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### TOPIC

**EXPLORING THE EVOLUTION OF HUMAN RIGHTS AND RESPONSIBILITIES: FROM ANCIENT CODES TO MODERN CHALLENGES-**

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# EXPLORING THE EVOLUTION OF HUMAN RIGHTS AND RESPONSIBILITIES: FROM ANCIENT CODES TO MODERN CHALLENGES

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## Abstract

This research article delves into the intricate tapestry of human rights, responsibilities, and societal codes, tracing their development from ancient times to the challenges of the modern era. It highlights the crucial role played by written and unwritten codes in shaping the liberties, taboos, and obligations within different societies. By examining historical documents such as the Hindu holy Vedas, the holy Babylonian Code of Hammurabi, the Bible, the holy Quran, and the Analects of Confucius, we explore how various cultures have addressed questions about human duties, rights, and responsibilities. The article also delves into the catastrophic events of the twentieth century, specifically the two World Wars, which witnessed massive human rights violations. The unparalleled destruction and loss of life during these global conflicts underscores the imperative need for international efforts to protect civilians during wartime. Post-WW-II, the Nuremberg and Tokyo Trials were pivotal in holding officials from defeated nations accountable for war crimes, crimes against peace, and crimes against humanity. Eleanor Roosevelt's poignant observation regarding the incalculable impact on human beings in times of conflict resonates throughout this exploration. Ultimately, this research article seeks to shed light on the ongoing evolution of human rights and responsibilities in a world continually striving for common ground, justice, and the well-being of its members.

**Keywords:** Human Rights, Ancient Code, Modern Challenges

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## **Introduction**

In order to protect the well-being of its populace and safeguard its own interests, each society formulates explicit and implicit regulations that delineate the freedoms, prohibitions, and responsibilities expected of its constituents. When various societies and cultures come into contact with one another, there is often a tendency to search for shared points of agreement. In contemporary times, various mechanisms such as agreements, pacts, and conventions have been employed to protect civilian populations amidst armed conflicts, albeit with restricted efficacy. Historically, individuals obtained rights and obligations under their affiliation with a collective entity, such as a family, indigenous community, religious group, social class, local community, or nation-state. The Hindu Vedas holy book, the Babylonian Code of Hammurabi holy book, the Bible holy book, the holy Quran, and the Analects of Confucius represent a selection of ancient, printed texts that delve into the complex realm of human obligations, entitlements, and accountabilities. Indeed, it can be observed that throughout history, societies, regardless of whether they relied on written or verbal tradition, have consistently established frameworks of propriety and justice alongside mechanisms for addressing their constituents' well-being and healthcare needs. The twentieth century bore witness to significant transgressions of human rights globally (Ishay, 2008).

In fewer than thirty years following the conclusion of the First World War, a global conflict that resulted in the loss of over 18 million lives among military personnel and civilians, the international community found itself entangled in another significant war. The global conflict known as WW-II witnessed the participation of Germany, Japan, and Italy on one side and Great Britain, the USA, and the Soviet Union on the other. This war resulted in widespread devastation and loss of life, surpassing the magnitude of the Great War of 1914-1918. The conflict in question was not solely a worldwide war but a comprehensive war in which every nation mobilized its complete human and material assets. World War II, characterized by a staggering death toll of approximately 70 million individuals, stands as the most lethal conflict in the annals of humanity. Many individuals were homeless, while an even larger population embarked upon a precarious existence as refugees (Lauren, 2011).

Furthermore, the utilization of firebombing by the United States in major Japanese cities, as well as the deployment of atomic bombs in Hiroshima and Nagasaki, served as a significant indication that humanity had acquired the means to bring about its destruction. Following the conclusion of World War II, judicial proceedings were conducted in Nuremberg and Tokyo, wherein individuals holding positions of authority from the vanquished nations were subjected

to punitive measures for their involvement in acts deemed as war crimes, crimes against peace, and crimes against humanity. During her tenure as the First Lady of the USA throughout World War II, Eleanor Roosevelt made an astute observation regarding the challenges of assessing the impact of war. She noted that while the physical damage inflicted upon cities can be quantified, the profound effects on human beings are immeasurable.

### **The Birth of the United Nations**

The atrocities witnessed during WW II were performed as a mechanism for reaffirming the aspirations of early twentieth-century proponents of internationalism, who advocated for creating a comprehensive universal declaration of human rights. This declaration would impose an obligation upon each nation to acknowledge and uphold the fundamental entitlements of every individual within its jurisdiction, encompassing the rights to life, liberty, property, religious freedom, and linguistic autonomy. Subsequently, governments made a firm commitment to establishing the United Nations, primarily aimed at enhancing global peace and averting conflicts. The individuals expressed a collective desire to establish measures to prevent any future unjust deprivation of life, liberty, sustenance, housing, and citizenship. The fundamental principles of these nascent human rights were encapsulated in President Franklin Delano Roosevelt's 1941 State of the Union Address, wherein he articulated a vision for a global order grounded in four indispensable freedoms: the freedoms of dialogue and belief and the freedoms from want and fear. There was a global demand for establishing human rights standards to safeguard individuals from governmental abuses and provide a framework for holding nations responsible for treating their residents. The voices mentioned above played a pivotal role in convening the San Francisco conference, which was responsible for drafting the United Nations Charter in 1945 (Edwards, 2009).

### **Antecedents to 20th-Century Human Rights Declarations**

The 1215 Magna Carta, the 1689 English Bill of Rights, the 1789 French Declaration on the Rights of Man and Citizen, and the United States Constitution and Bill of Rights (1791) are historical texts that establish and affirm the rights of individuals. These documents serve as foundational influences for numerous contemporary human rights declarations. Nevertheless, it is significant to memorandum that many of these documents, upon their initial translation into policy, exhibited a notable omission of women, individuals belonging to racial minority groups, and members of specific religious, financial, and political communities. However, individuals subjected to oppression across various regions of the globe have utilized the

principles articulated in these documents as a foundation for advocating revolutions that affirm the entitlement to self-determination (Cutlip, 2013).

The historical origins of present-day IHRL and the UNO creation hold significant importance. Examples of notable endeavors in the 19th century aimed at the prohibition of the slave trade and mitigating the atrocities associated with armed conflicts serve as prominent illustrations. The ILO was founded in 1919 by multiple nations with the purpose of overseeing international agreements aimed at protecting the rights of workers, including provisions related to their health and safety. The League of Nations conveyed concerns regarding the protection of particular minority groups following the outbreak of WW I. Nevertheless, the organization established by the triumphant European allies to promote international peace and cooperation ultimately fell short of attaining its objectives. The League of Nations encountered difficulties due to the non-participation of the United States and its inability to effectively address Japan's incursion into China and Manchuria in 1931, as well as Italy's aggression towards Ethiopia in 1935. It ultimately ceased to exist after WW II in 1939 (Vasak, 2021).



### **The Creation of the UDHR: A Historical Perspective**

The UDHR is an essential document within IHRL. Eleanor Roosevelt, the chair of the UN Commission on Human Rights, has characterized it as humanity's Magna Carta, as she played a pivotal role in writing this document. The resolution was unanimously adopted, except for nonparticipations from the Belorussian Soviet Socialist Republic (SSR), the Czech Republic, the Republic of Poland, The Kingdom of Saudi Arabia, the Republic of South Africa, the Soviet Union, the Ukrainian SSR, and Yugoslavia, by the United Nations GA on December 10, 1948. This date is now commemorated yearly as Human Rights Day. The UDHR was established as a "*common standard of accomplishment for all nationalities and all peoples.*" The primary authorship of the UDHR was initially attributed to René Cassin, a prominent French jurist. The

initial draft of the document was authored by John Humphrey, a Canadian teacher of law and the Human Rights Director at the Secretariat of the UN. Roosevelt, Chang Peng-chun, a Chinese dramatist, theorist, and representative, and Charles Habib Malik, a Lebanese theorist and diplomat, played significant roles in formulating the Universal Declaration of Human Rights (Haveric, 2020).

Humphrey's primary contribution resulted in creating an initial draft of the declaration that encompassed a wide range of perspectives and considerations. Cassin made substantial contributions to the deliberations held throughout each of the three meetings of the commissions as well, as well as in the division tasked with drafting. During a period characterized by escalating tensions between the Eastern and Western blocs, Roosevelt effectively leveraged her significant influence and reputation with both major powers to guide the drafting process towards its ultimately successful culmination. Chang demonstrated exceptional skills in facilitating the formation of compromises when the committee appeared incapable of resolving them, thereby averting a potential deadlock. Malik, whose philosophical stance was deeply grounded in the principles of natural law, exerted significant influence in the discussions about fundamental provisions and played a crucial part in clarifying and enhancing fundamental conceptual matters (Khan, A., Bhatti, S. H., & Jillani, M. A. H. S. 2021).

The process of drafting the declaration was characterized by a series of discussions surrounding various topics. The topics encompassed in this discussion are the interpretation of human dignity, the importance of contextual factors, specifically cultural influences, in determining the extent and content of rights, the interaction between the individual, the state, and society, the potential consequences for the sovereign authority of member states, the relationship between obligations and rights, and the role of spiritual values in fostering the welfare of people and their communities. The onset of the Cold War between the USA and the Soviet Union, followed by a deterioration in the global political climate, sparked vigorous ideological discussions concerning the comparative assessments of human rights situations in nations aligned with the Soviet bloc and those under colonial rule. The divergences that underlie these exchanges ultimately resulted in the decision to forgo a proposal for an international bill of rights, although this did not hinder the advancement in the development of a nonbinding declaration on the protection of human rights (Khan, A., Javed, K., Khan, A. S., & Rizwi, A. 2022).

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## **The UDHR: A Cornerstone of Human Dignity and Equality**

The UDHR consists of 30 articles that provide a comprehensive list of essential civil, political, social, and cultural rights as well as economic rights. Articles 3 through 21 delineate a comprehensive framework encompassing civil and political rights. These rights comprise fundamental privileges, including but not limited to the right to be without torture, the ability to seek and get remedy for abuses of human rights, and the right to take part in the leadership of one's nation. Articles 22 to 27 of the document comprehensively account for economic, social, and cultural rights. These rights encompass various aspects, including the entitlement to employment, the freedom to establish and join labor organizations, and the ability to engage in the cultural activities of one's community without constraint. The second entitlement refers to the inclusion of all individuals in the arts, enabling their active engagement and appreciation of artistic works. The concept of entitlement is intricately linked to the comprehensive development of an individual's identity, as elucidated in Article 26, which emphasizes the purpose of education. As a consequence of the ideological schisms arising from the Cold War and the subsequent lack of a universally binding international human rights treaty, it became increasingly common to conceptualize civil and political rights as distinct from rights in the areas of economy, society, and culture. Nevertheless, it might be argued that this reading is a distortion of the original intended significance and fundamental nature of the document. An exemplar case can be observed in the impracticability of a society effectively fulfilling its duty to guarantee the right to education, as prescribed in Article 26, without sincerely recognizing and respecting its duty to facilitate the right to access, obtain, and share information, as delineated in Article 19 (Hussain, N., Khan, A., & Chandio, L. A. 2023).

Likewise, it presents considerable difficulty to conceive the manifestation of the right to create and partake in labor unions, as articulated in Article 23, in the absence of a concomitant fulfillment of the right to participate in association and peaceful assembly, as articulated in Article 20. Nonetheless, the explicit correlations among these interconnections were obscured as a result of the strategic utilization of human rights rules by the main adversaries throughout the Cold War. By adopting a selective approach, both parties were able to highlight their perceived strengths in relation to one another. The Western bloc placed higher importance on political and civil rights, whilst the Eastern bloc placed greater emphasis on rights related to economics, society, and culture (Khan, A. S., Bibi, A., Khan, A., & Ahmad, I. 2023).

Article 28 of the UDHR is regarded by many as a progressive provision, however, this topic has not been extensively examined in academic literature. This article posits the indivisibility of human rights by bestowing upon each person the right to a societal and global framework that enables the complete realization of the rights and freedoms delineated in this Declaration. This article posits the existence of a global order that is separate and distinguishable from the prevailing state of affairs. The statement underscores the significance of upholding human rights in a comprehensive manner, as it holds the capacity to catalyze profound and far-reaching transformations at a global level. Moreover, it argues that a prospective worldwide arrangement would incorporate the principles and norms delineated in the UDHR. The clauses of the UDHR purportedly highlight the interrelatedness and interdependence of different types of human rights, along with the imperative of international cooperation and assistance in attaining their actualization.



### **The Human Rights Covenants: Commitments to Protect and Promote Universal Rights**

In order to effectively implement the principles outlined in the UDHR, the UNCHR embarked on the task of formulating two treaties: the ICCPR along with its optional Protocol, and the ICESCR. In conjunction with the Universal Declaration, these documents are frequently recognized as the International Bill of Human Rights. The ICCPR was officially adopted and made available for countries to sign, ratify, and join through a resolution passed by the UNGA on December 16, 1966. It subsequently came into effect on March 23, 1976. The ICCPR



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addresses fundamental human rights, including the right to life, freedom of representation, belief, and suffrage.

The ICESCR was officially adopted and made available for signature, approval, and access through a declaration passed by the GA on December 16, 1966. Subsequently, it came into effect on January 3, 1976. The ICESCR emphasizes food security, access to education, healthcare, and adequate housing. Both covenants emphasize expanding rights to encompass all individuals and prohibit distinction.

As of 2004, more than 168 countries have officially authorized these agreements. The USA, nevertheless, has ratified solely the ICCPR, albeit with numerous reservations, which are formal exceptions, that limit its complete adherence (Khan, A., Iqbal, N., & Ahmad, I. 2022).

### **Evolution of Human Rights: Subsequent Documents and Declarations**

In addition to the agreements outlined in the International Bill of Human Rights, the UNO has ratified over 20 major agreements that provide further elucidation on human rights. These encompass agreements aimed at preventing and prohibiting particular forms of misconduct, such as torture and genocide, as well as safeguarding particularly susceptible groups, such as refugees (CRSR, 1951), women (CEDAW 1979), and children (CRC, 1989). The ICERD, The CPPCG, The CPRW, and the UNCAT. Regional papers in Europe, the Americas, and Africa expand upon the principles outlined in the International Bill of Human Rights, aiming to safeguard and advance human rights. As an illustration, African nations formulated their Charter of Human and People's Rights in 1981, while Muslim nations established the Cairo Declaration on Human Rights in Islam in 1990. The profound transformations witnessed in Eastern Europe, Africa, and Latin America since 1989 have effectively showcased a notable upsurge in the call for the recognition and protection of human rights. The commitment to these principles is similarly evident in popular movements observed in China, Korea, and other Asian nations (Hussain, N., Khan, A., Chandio, L. A., & Oad, S. 2023).

### **Advantages of the UDHR**

The nonbinding nature of the document was initially regarded as a significant drawback. Authoritarian regimes, commonly driven by a desire to safeguard their sovereignty from perceived external interference, expressed support for this aspect of the declaration. Additionally, certain democratic nations initially harbored concerns regarding the potentially intrusive obligations that a legally binding instrument would impose. However, certain analysts have contended that the nonbinding nature of the UDHR is considered a significant benefit. The inherent flexibility of the concept has provided significant opportunities for implementing

novel approaches to advancing human rights. This adaptability has also facilitated the emergence of various legislative endeavors within international human rights law, such as the ICCPR and the ICSCR.

Furthermore, the UDHR has been reiterated through multiple resolutions adopted by various organs and agencies of the UN. Additionally, numerous countries have enshrined the UDHR within their respective national constitutions. These advancements have prompted numerous analysts to deduce that, despite lacking binding force, the provisions of this agreement have attained a legal status comparable to customary international law norms.

The moral authority of the UDHR is enhanced by its ability to surpass the confines of positive international law. The statement articulates overarching ethical principles relevant to all individuals, establishing a universal understanding of a fundamental standard for human welfare. Despite its limitations, one notable critique of the human rights discourse is its tendency to primarily focus on the state as the primary perpetrator of human rights violations. This narrow perspective has inadvertently marginalized the recognition of human rights issues that arise from culturally and socioeconomically sanctioned abusive behavior and violence. Nonstate actors, such as people, households, neighborhoods, and private institutions, often perpetrate these violations. The UDHR has been a fundamental and enduring reference point for international human rights discussions and debates. During the 1960s and 1970s, various organs within the UN system utilized the provisions outlined in the declaration to denounce racial discrimination in South Africa and Southern Rhodesia, presently known as Zimbabwe. The UDHR has played a pivotal role in fostering widespread acceptance of human rights, surpassing the influence of any other instrument.

The UDHR often likened to the international equivalent of the Magna Carta, expanded upon the transformative impact on international law initiated by the UN Charter. Specifically, it established that a government's treatment of its citizens is now considered a legitimate subject of international interest rather than solely a domestic affair. The assertion posits that all rights are interconnected and cannot be separated. The Preamble effectively articulates that:

*The acknowledgment of the intrinsic worth and the equal and indivisible entitlements of every individual within the human collective serves as the fundamental basis for promoting liberty, fairness, and harmony on a global scale.*

The impact of the UDHR has been significant. The principles of this ideology have been integrated into the constitutions of the majority of the 185+ nations currently affiliated with the United Nations. Despite lacking legal enforceability, the Universal Declaration has acquired

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the recognition of customary international law due to its widespread acceptance as a shared benchmark of accomplishment for individuals and nations alike.

The concept of human rights has reached a critical juncture in its development. The UDHR serves as a global appeal for the principles of liberty and fairness to be upheld for individuals across the globe. Daily, governments that engage in the violation of their citizens' rights are confronted and held accountable. Every day, individuals across the globe actively engage in addressing instances of injustice and inhumanity. Similar to the gradual erosion caused by water droplets upon a solid surface, the collective efforts of individuals tirelessly combat the oppressive forces that hinder progress toward realizing the principles enshrined within the UDHR.

The UDHR, as characterized by Eleanor Roosevelt, can be understood as a comprehensive compilation of global principles pertaining to individuals' rights, freedoms, and inherent worth. Human rights encompass dimensions that extend beyond mere legal or political obligations. According to her, these rights originate in localized settings that are so intimately connected to individuals' homes and communities that they are not discernible on a global scale. However, these factors pertain to the personal realm of an individual: the local community in which they reside, the educational institution they are enrolled in, and the workplace where they are employed, be it a factory, farm, or office setting. These locations represent the spaces in which individuals of all genders and ages aspire to attain impartiality, equal prospects, and equitable respect without prejudice. The significance of these rights is limited unless they hold significance in that particular context. The absence of collective efforts by citizens to uphold these principles within their local communities will result in a lack of progress on a global scale. The user's text is too short to be rewritten academically.

The UDHR has served as a source of inspiration for numerous individuals and policymakers globally, motivating their efforts toward the advancement of societal well-being. Approximately two hundred diverse declarations, conventions, rules, agreements, charters, and agreements pertaining to the actualization of human rights on a global scale exist. Out of the postwar documents under consideration, at least sixty-five references can be identified wherein the UDHR is acknowledged as the primary basis of legitimacy and inspiration (Khan, A., Hussain, N., & Oad, S. 2023).

## Conclusion

This research article explores the historical progression of written and unwritten codes that establish societal norms, freedoms, prohibitions, and obligations. Throughout various historical documents and the significant occurrences of the twentieth century, there has been a discernible progression in the development of human rights and corresponding obligations, emphasizing the crucial necessity of safeguarding these rights, particularly in periods marked by turmoil and discord. The two global conflicts known as WWI serve as poignant reminders of the severe repercussions that arise when fundamental rights are infringed upon worldwide. The Nuremberg and Tokyo Trials exemplified the international community's capacity to establish accountability for individuals implicated in severe atrocities. Nevertheless, the words of Eleanor Roosevelt continue to have a profound impact, serving as a poignant reminder that the toll on human lives resulting from these conflicts is incalculable.

Looking ahead, it is evident that the quest for common ground, justice, and the well-being of all members of society remains an ongoing challenge. To build a more just and equitable future, we offer the following recommendations:

- 1. Strengthen International Cooperation:** Nations must continue to work collaboratively through treaties, agreements, and conventions to safeguard human rights during wartime and during peace. Strengthening international cooperation is essential to address global challenges effectively.
- 2. Education and Awareness:** Promote education and awareness about human rights and responsibilities at all levels of society. Empowering individuals with knowledge about their rights and obligations can lead to more informed and engaged citizenship.
- 3. Conflict Resolution:** Invest in conflict resolution mechanisms to prevent conflicts from escalating to a point where human rights violations become widespread. Diplomacy and peaceful negotiations should be prioritized.
- 4. Accountability:** Ensure that individuals and entities responsible for human rights violations are held accountable through impartial and transparent legal processes. Encourage adherence to international law and justice systems.
- 5. Continued Research and Dialogue:** Encourage ongoing research and dialogue on the evolving nature of human rights, considering the ethical implications of emerging technologies, environmental challenges, and global interconnectedness.

In conclusion, upon careful contemplation of historical and contemporary circumstances, it becomes apparent that safeguarding human rights and corresponding obligations is an ongoing

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and dynamic process. Through the implementation of these proposed recommendations and a steadfast dedication to the principles of justice, equity, and compassion, it is possible for us to collaboratively strive toward a more harmonious and equitable global society, wherein the immeasurable toll of human suffering caused by conflicts is eradicated from our collective experience.

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<sup>i</sup> (Cutlip, 2013)

<sup>ii</sup> (Edwards, 2009)

<sup>iii</sup> (Haveric, 2020)

<sup>iv</sup> (Hussain, 2023)

<sup>v</sup> (Hussain N. K., 2023)

<sup>vi</sup> (Ishay, 2008)

<sup>vii</sup> (Khan, 2023)

<sup>viii</sup> (Khan A. B., 2021)

<sup>ix</sup> (Khan A. H., 2023)

<sup>x</sup> (Khan A. I., 2022)

<sup>xi</sup> (Khan A. J., 2022)

<sup>xii</sup> (Lauren, 2011)

<sup>xiii</sup> (Vasak, 2021)