

## APPRAISAL OF STATE'S CONSTITUTION ON HUMAN RIGHTS PERSPECTIVE

Dr Hossain K A<sup>1\*</sup>, Khandakar Shaffat Akhter<sup>2</sup>

<sup>1\*</sup> Vice Chancellor, Bangladesh Maritime University Dhaka, Bangladesh.

<sup>2</sup> Department of Law, prime Asia University, Dhaka, Bangladesh.

\* **Correspondence:** Dr Hossain K A

*The authors declare  
that no funding was  
received for this work.*



Received: 01-December-2025

Accepted: 30-December-2025

Published: 05-January-2026

**Copyright** © 2026, Authors retain copyright. Licensed under the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. <https://creativecommons.org/licenses/by/4.0/> (CC BY 4.0 deed)

This article is published by **MSI Publishers** in **MSI Journal of Arts, Law and Justice (MSIJALJ)**  
ISSN 3049-0839 (Online)

The journal is managed and published by MSI Publishers

**Volume: 3, Issue: 1 (January-2026)**

**ABSTRACT:** Modern humanoid rights have their origins in Renaissance humanism. In the 19<sup>th</sup> century, democratic changes established universal voting rights in the 20<sup>th</sup> century. The World-wide Statement of Human Rights emerged from the two world wars. A nation's constitution is the highest law, with all other laws beneath it. Protecting human rights in a constitution is crucial for protecting these rights and ensuring legal accountability for their implementation. Sections of constitutions that outline fundamental rights and liberties provide strong legal tools to indorse and defend human rights. When these privileges are combined through effective enforcement mechanisms, they are essential for achieving lasting peace, justice, and inclusive societies. States in most parts of the globe usually amend and sometimes write completely new Constitutions. Factors impacting this include the aim to reshape political power distribution, the quest for a more democratic constitution, more vigorous checks and balances, and better alignment with citizens' interests and needs. Constitutional change could happen following a conflict to create a new framework to foster a fairer and more just society. Alternatively, an existing constitution may require revisions

to effectively address societal, political, economic, or social transformations. Therefore, A key element of any constitutional reform is safeguarding, respecting, and promoting individuals' anthropological privileges and important freedoms. This analytical work seeks to comprehensively understand besides acknowledge of fundamental rights and liberties as essential components in developing or reforming a state's Constitution. Furthermore, it assesses whether the procedures utilized in constitutional drafting or reform are alignment with established international procedural norms.

**Keywords:** *human rights, fundamental freedoms, Constitution, UDHR.*

## 1. Introduction

The most fundamental right that citizens and foreign nationals have is the inherent entitlement to live. Every person is entitled to live in his/her lifetime with fundamental right and safety. So, everybody is authorised to lifetime, right, and safety. It is ridiculous to describe life with a single word or a specific objective in mind.<sup>i</sup> Life can be understood through various lenses, including empirical, theoretical, and perceptual perspectives. It is also argued that the law encompasses all these dimensions of life.<sup>ii</sup> Every state's Constitution typically includes the right to lifetime and self-respect, which has guaranteed several fundamental privileges for together state countries and non-citizens. The framers of the Constitution primarily aimed to promote social welfare and individual advancement of all individuals' important rights. The accurate to lifetime is paramount and invaluable and that is recognized as an inalienable human right, the right to life is a basic entitlement that is not simply a natural gift. Both individual liberty and the right to lifetime are crucial for personal development.<sup>iii</sup> This luxury hints at a reasonable standard of comfort and convention.<sup>iv</sup> Despite the fact that both the Universal Declaration of Human Rights (UDHR) and the International Charter of Human Rights from 1948 recognize dignity as a fundamental component of human rights, neither document offers a precise definition of human dignity nor a conceptual framework for understanding it. <sup>v</sup> The three elements of dignity are based on Kant's views of morality and law, which establish human dignity as a fundamental constitutional value and the foundation of human rights, based on the idea that every person has the same inherent dignity.<sup>vi</sup>

In 1948, the United Nations General Meeting came together to adopt a groundbreaking document: The Universal Declaration of Human Rights or UDHR. This powerful declaration set the foundation for recognizing and protecting the intrinsic worth and equality of every individual worldwide, marking a pivotal moment in the global fight for justice and freedom. In Paris stands as a monumental testament to the commitment of nations to uphold the inherent value and respect owed to each individual, signifying the apex of the evolution of various essential ideas that fueled the movement for human rights, emerging as a reaction to the occurrences of World War II and the horrors of the Holocaust.<sup>vii</sup> St. Hilary of Poitiers, St. Ambrose, and St. Augustine contributed significantly to the medieval natural law tradition.<sup>viii</sup> Augustine pioneered the legitimacy of human laws, clarifying the distinction between laws grounded in inherent wisdom and conscience and those arbitrarily imposed. He provocatively questioned whether people are morally obligated to obey unjust laws, urging reflection on justice and ethics.<sup>ix</sup> Ancient civilizations lacked the contemporary concept of every human being's rights.<sup>x</sup> Nevertheless, the concept has been present for centuries, albeit not in the same capacity as it is today.<sup>xi</sup> Samuel Moyn, a prominent historian, argues that the movement advocating for human rights has experienced a significant transformation in the 21<sup>st</sup> century. Initially focused on combating totalitarianism, the movement has now broadened its scope to address a wide range of urgent issues related to social and economic development, as well as humanitarian efforts in the developing world. This evolution demonstrates the movement's adaptability and its crucial role in tackling the complex challenges faced by marginalized communities today.<sup>xii</sup>

The term Constitution originates from the Latin term *Constitutio*,<sup>xiii</sup> and which is used to refer to rules and mandates, examples include imperial decrees, edicts, proclamations, ordinances, and mandates. This term emerged through the French language.<sup>xiv</sup> A political body or government organization's constitution is a set of fundamental values or established precedents that serve as its legal basis.<sup>xv</sup> It is an entity's governing document typically outlines how it should be managed and operated.<sup>xvi</sup> When these principles are compiled into a single document or collection of laws, they can be referred to as a written Constitution document. Constitutions apply to various organizations, including sovereign countries, corporations, and

unincorporated associations.<sup>xvii</sup> The Constitution encompasses more than just a collection of rules; it's the essential framework that unites and guides a political community. Think of it as the blueprint for governance, detailing the principles and practices that shape how a society functions and thrives together.<sup>xviii</sup> The rulebooks of most countries are included in a single document known as a codified constitution. The United States Constitution of 1787 and the French Constitution of 1791 are two examples of codified constitutions that were ratified after revolutions or after the total collapse of the prior governing structure, as seen in the constitutions of post-war Japan and Germany. This is also true when countries achieve independence, as happened to the countries that were formerly part of the British Empire. The United Kingdom has never experienced any of these events, so codifying its Constitution has never been necessary.<sup>xix</sup> Nevertheless, Constitutionalism is designed to facilitate the existence of individuals in a state of liberty or at least freedom from governmental tyranny by restricting the actual and prospective autocracy of the state. It provides a practical opportunity for the individual to determine their own objective regarding their existence. Therefore, the Constitution of autonomy grants fundamental rights as a special status.<sup>xx</sup>

A well-crafted Constitution is crucial in safeguarding freedoms and establishing democratic governance. As Socrates once stated, "Freedom is the essence of democracy," a sentiment that remains relevant over two millennia later. This paper is a valuable resource for any nation involved in Constitutional reform or drafting a new Constitution. It is particularly useful for societal reformers, revolutionaries, political leaders, policymakers, legislators, and individuals responsible for creating Constitutional amendments or new Constitutions. Additionally, It strongly supports civil society's inventiveness to secure the inclusion of human rights in constitutional amendments and new constitutions. And related documents, reinforcing the foundation of justice and equality in our legal systems. The authors have considered public concerns about human rights while drafting a new state Constitution. This paper aims to assist readers in evaluating whether the processes and considerations employed in the drafting or reform of Constitutions align with international procedural standards and the strategic vision of the respective states. This paper

provides a framework of rights for nations to maintain human dignity, freedom, and justice, therefore defining a worldwide benchmark for these values.

## 2. Literature Review and Understanding of Human Rights

Human rights represent universal moral values that define human dignity behavior. Laws, both nationally and internationally, help to safeguard these rights. These rights are fundamental and inalienable, essential to every individual without exception; no matter of our nationality, ethnicity, religion, or socio-economic background, we all share common values and experiences that connect us to status. They are the birth right of all humanity, affirming our shared dignity and inherent worth.<sup>xxi</sup> Civil, political, economic, social, and cultural rights are all included in the category of human rights. Some examples of human rights are the right to life, freedom of speech, or access to education.<sup>xxii</sup> Modern human rights became prominent after World War II, especially in the aftermath of the Holocaust, which led to the adoption of the 1948 UDHR.<sup>xxiii</sup>

Human rights have historical<sup>xxiv</sup> roots in brochures such as the Magna Carta, first issued in 1215.<sup>xxv</sup> Major factors impacted the formation of common law and important constitutional provisions protecting human rights. The English Bill of Rights of 1689 established individual legal rights and limited monarchy power, promoting principles like free speech and protection against cruel punishment. These ideas influenced the 1789 United States Constitution, which drew on Enlightenment thinkers like John Locke, emphasizing natural rights and separation of powers. These documents marked a crucial evolution in protecting individual rights within governance.<sup>xxvi</sup>, and the U.S. Bill of Rights from 1791<sup>xxvii</sup>. In 1689, the enactment of the English Bill of Rights and the Scottish Claim of Rights represented a significant advancement in individual liberties in Britain, establishing legal protections against oppressive government actions. In the 18<sup>th</sup> century, the revolutions 1776 in the U.S. and 1789 in France inspired the U.S. Declaration of Independence, marking a pivotal moment in the fight for liberty and human rights.<sup>xxviii</sup> Declaration of the Rights of Man, which was written in French and Citizen, alongside the Virginia Declaration of Rights 1776, powerfully articulated fundamental human rights that have become

cornerstones of liberty and justice.<sup>xxxix</sup> Enshrined numerous fundamental civil rights and freedoms in law<sup>xxx</sup>.

In 1933 the League of Nations was created.<sup>xxxi</sup> Throughout the discussions for the Treaty of Versailles. <sup>xxxii</sup> After World War I, the League was established to foster enduring peace and encourage collaboration among nations. Enhancing global welfare, preventing conflict through security, and resolving disputes via diplomacy, disarmament.<sup>xxxiii</sup> A mandate to advance numerous rights that were subsequently incorporated into the UDHR was enshrined in its Charter. In 1948 The Universal Declaration of Human Rights was approved by the United Nations General Assembly (UDHR), influenced partly by World War II. While this declaration is non-binding, it calls on member states to promote human rights, highlighting their importance to the "foundation of freedom, justice, and peace in the world." The statement was a groundbreaking moment in international legal history. It was an Initiative designed to regulate state conduct and ensure that governments fulfil their obligations to citizens within the rights-duty duality model.<sup>xxxiv</sup>.

Biological and cultural factors influence human behaviour.<sup>xxxv</sup> The structure and agency argument centers on whether external structural factors or personal impulses significantly impact human behavior. Genetics of behavior examines the implications of inherited traits on human behaviours. Although genes don't determine specific behaviours, certain characteristics that increase the likelihood of individuals exhibiting specific personalities or engaging in particular behaviours can be inherited. An individual's environment can influence behaviour, sometimes combined with biological factors. The expression of behaviours is influenced by someone's temperament or character, which are shaped by genetic and environmental factors<sup>xxxvi</sup>.

Sometimes, people adopt choices collectively and participate in politics. Humans have developed certain tendencies over time that promote cooperation in collective settings, and those that serve their interests<sup>xxxvii</sup>. People frequently develop ideas about in-groups and out-groups, which leads to rivalry with the out-group and collaboration with the in-group. Conforming, following authority, taking pleasure in opponents' suffering, instigating antagonism toward out-group members,

constructing fake out-groups, and punishing noncompliance with in-group norms are examples. These activities help to build political structures that impose in-group rules and norms.<sup>xxxviii</sup> Conflict arises where there is opposition between parties. It may occur due to differences of opinion, obstruction of objectives, or negative emotions like anger. Conflicts based on disagreement can often be resolved through negotiation or communication; however, emotional factors can worsen conflicts. Interpersonal conflict occurs between individuals or groups, while social conflict happens between different communal divisions.<sup>xxxix</sup> Social conflict often emerges when marginalized groups lack resources or seek change, potentially leading to civil disorder and increased tensions between different social groups.<sup>xl</sup> International conflict consists of disputes between governments or nations, which can be addressed through diplomacy or warfare.<sup>xli</sup>

Human rights are intended to be perceived as inalienable, universal, and intrinsic. Everyone is meant to be seen as equal. The fundamental premise is that individuals are endowed with reason and morality, distinguishing them from other animals on Earth. Consequently, they are entitled to specific rights and opportunities that other animals do not possess<sup>xlii</sup>. The preceding investigation focused on the challenges associated with integrating human dignity into philosophical and moral frameworks<sup>xliii</sup>. The concept presents inherent ambiguity, and its significant contemporary application encounters challenges in integrating within and between regulatory domains that may resist broader interstitial frameworks.<sup>xliv</sup> In conclusion, there are legitimate reasons why such a broad concept should be considered essential to our intuition<sup>xlv</sup>. Human dignity is so closely tied to it that it will likely remain a fundamental element of moderating discourse, despite its complex nature.

Modern democratic society is founded on the opinion of the "Rule of Law." Laws are enacted to prevent conflicting societal notions and ensure the appropriate maintenance of public order<sup>xlvi</sup>. One primary objective of enacting these laws is to maintain public perception of lawfulness and establish a peaceful environment for individual advancement.<sup>xlvii</sup> The inherent worth of every individual is a foundational principle of liberty, equity, and tranquility, as stated in the UDHR preamble. The Higher Court has emphasized the significance of dignity in the state's Constitutional

rights discourse by asserting that the right to life implies a dignified existence rather than a mere survival akin to subordinate creatures.

Constitutional guarantees of human rights are essential for ensuring legal accountability and protecting these rights, as they represent the highest law of a nation with which all other laws must conform. Therefore, the constitutional framework, which contains clauses on liberties and fundamental rights, essentially supports, defends, and honors human rights. This is especially true when it includes provisions that guarantee enforcement mechanisms crucial for inclusive societies, justice, and lasting peace<sup>xlviii</sup>. The UNDP is an organisation dedicated to addressing poverty, inequality, and climate change<sup>xlix</sup>. With the support of partners and experts in 170 countries, UNDP assists nations in developing sustainable solutions that benefit both the environment and the population. Additionally, UNDP advocates for human rights globally<sup>l</sup>. Individual states have responsibilities to endorse and save human rights. States should take necessary steps and develop strategies to advance human rights safety at domestic and international levels<sup>li</sup>. Internationally, states can voice their concerns when human rights violations occur.

Countries play a vital part in shaping human rights frameworks, establishing essential institutions, and creating oversight systems to uphold those rights. They are among the first to report violations to international bodies and can support human rights standard compliance improvements<sup>lii</sup>. States need to follow international standards at the national level. Therefore, states should offer higher protection, such as resources for enhanced socio-economic liberties, as these standards generally provide only the basic safeguards. The responsibility of states' authorities to ensure the success of worldwide standards and effective domestic protection has been emphasized<sup>liii</sup>. Human rights supervisory mechanisms have consistently stated that their oversight should complement that of national tribunals and domestic systems in protecting human rights<sup>liv</sup>.

The preservation of human rights relies on states meeting their obligations. Establishing an effective Constitutional model is challenging, requiring detailed legislation, oversight of state institutions like law enforcement, and persistent efforts from various state organs<sup>lv</sup>. Many countries transitioning to democracy struggle to

uphold democratic standards and human rights, indicating the considerable time needed for compliance<sup>lvi</sup>. To fulfill its human rights duties, a state must ensure three key institutions: a legislative body elected freely to represent the people's will, a judiciary providing fair trials and protection from arbitrary laws<sup>lvii</sup>, and an executive branch prioritizing human rights and avoiding misuse of power<sup>lviii</sup>.

Ensuring that those in positions of authority do not misuse their power is essential to human rights compliance. Various international human rights treaties outline appropriate behavior for actors outside governments within their spheres of influence. These instruments, known as "codes of conduct" or "codes of ethics," are designed for specific groups of authorities or professionals. They address individuals who may be subjected to demands such as torturing others or committing other human rights violations<sup>lix</sup>. Codes of ethics aim to promote adherence to international norms and create an environment where individuals will resist pressures to violate human rights. Many standards of conduct related to human rights are directed at the military and law enforcement personnel, are essential to maintaining public safety and upholding the law. the medical and legal professions are also included<sup>lx</sup>. National institutions serve as checks and balances to ensure it effectively in modern civilization. Prioritizing the creation of national institutions focused on safeguarding human rights is essential. These institutions play a vital role in protecting fundamental freedoms and ensuring justice for all. National institutions concentrating on human rights are organizations, authorities, or bodies with specific responsibilities to defend and promote human rights<sup>lxi</sup>. Unlike NGOs, they often seek legal guidance from Constitutions or governments to advocate for and protect human rights. In many democratic nations, national institutions do not have a uniform structure or mandate; instead, they use a collegiate or individualized structure<sup>lxii</sup>. In addition to their advisory role in human rights policies, some agencies possess quasi-judicial powers over personal freedom infringements<sup>lxiii</sup>.

National human rights institutions have varied mandates, such as preparing advisory reports, highlighting human rights violations, promoting awareness and legislation, developing education programs, monitoring standards, and examining petitions. They can help address human rights issues domestically<sup>lxiv</sup>. However, their value is limited

without independence, which is essential for evaluating support. A 2022 study found that the UDHR influenced national Constitutions<sup>lxv</sup>, with at least 90 since 1948 incorporating its principles<sup>lxvi</sup>. Many judicial and political bodies worldwide have cited the UDHR as influencing their systems<sup>lxvii</sup>.

Peace embodies a transformative state of societal friendship and harmony, where antagonism and violence have no place. Through the cultivation of this environment, communities can thrive and flourish together<sup>lxviii</sup>. In a social context, peace often involves the absence of conflict and the terror of ferocity amongst entities or organizations<sup>lxix</sup>. The requirement of constructing a worldwide framework for peacebuilding was a driving force behind the establishment of international institutions, particularly in the twentieth century. International organizations such as the League of Nations, the United Nations, and regional organizations like the European Union are included in this.<sup>lxx</sup> The UN was established in 1945 with a crucial mission: to maintain peace and protect the rights and dignity of every individual. Its commitment to preventing conflict and promoting human rights is more important than ever. Today, the United Nations remains at the forefront of conflict prevention and response and addressing human rights breaches. Over 90,000 “blue helmets” support countries transitioning from battle to concord. Over a dozen UN agencies provide spare relief to over 100 million persons in need, while around 80 UN treaties and declarations promote and protect human rights globally. The UN Foundation is committed to raising awareness and supporting the UN's essential mission, focusing on vulnerable populations. Their initiatives underscore the critical importance of the UN's efforts in addressing global challenges and transforming lives.<sup>lxxi</sup> Most scholars in the field argue that claims suggesting peace studies methodologies lack objectivity, rely on primarily leftist or non-expert sources, are impractical, advocate violence, or have not resulted in policy improvements are inaccurate<sup>lxxii</sup>.

Disputes have directly shaped UN and donor policies toward conflict and post-conflict countries. Over the past decade, governments have developed key policy documents and responses, including the "Agenda for Peace," "Agenda for Development," "Agenda for Democratization," Millennium Development Goals,

Responsibility to Protect, and "High-Level Panel Report.”<sup>lxxiii</sup> These advancements consume significantly affected the operations of the World Bank, global development agencies, and numerous non-profit organizations, highlighting their essential role in shaping the world's progress.<sup>lxxiv</sup> Many international organizations have relied on them, including the United Nations, the United Nations Development Program, the United Nations Peacebuilding Commission, the United Nations High Commissioner for Refugees, the World Bank, the European Union, and the Organization for Security and Cooperation in Europe.<sup>lxxv</sup> Non-governmental organizations (NGOs) throughout the world, such as International Alert or International Crisis Group, as well as national donors such as USAID, DFID, CIDA, NORAD, DANIDA, Japan Aid, and GTZ<sup>lxxvi</sup>, and many local NGOs.<sup>lxxvii</sup> Scholars in these fields have created significant databases. Peace and conflict studies have highlighted the importance of human security, which are essential in the developed world and the Global South. However, there is an ongoing debate on how to apply these frameworks in different contexts<sup>lxxviii</sup>. Additionally, the research sector faces challenges, balancing the objective of conducting critical research with being practically relevant<sup>lxxix</sup>.

### **3. Chronological Development and Historical Background of State's Constitution**

#### **3.1 Ancient History.**

Constitutional rights aren't exclusive to democratic countries. Even autocratic states like North Korea have constitutions that grant freedoms such as freedom of expression<sup>lxxx</sup>. In 450 BC, the Romans took a monumental step in governance by codifying their constitution by establishing the Twelve Tables. This foundational legal framework shaped their society and laid the groundwork for future legal systems. It underscored the significance of clear and accessible laws for all citizens and later reorganized it into the Codex Theodosianus in 438 AD.<sup>lxxxi</sup> The Codex repetitæ prælectionis of the Eastern Empire (534 AD) shaped European law, succeeded by the Ecloga of Leo III (740 AD) and the Basilica of Basil I (878 AD).<sup>lxxxii</sup> Basil I was a respected monarch who reformed Byzantine law, leading to the Basilica<sup>lxxxiii</sup>. He also achieved military success against the Paulicians in 872<sup>lxxxiv</sup>. The Edicts of Ashoka, a remarkable achievement of the 3<sup>rd</sup> century BC, laid the foundation for constitutional principles in India, showcasing an early commitment to

governance and ethical leadership that resonates even today.<sup>lxxxv</sup> with inscriptions attributed to Emperor Ashoka<sup>lxxxvi</sup>. Constitutionalism began with the ancient Greeks, especially Aristotle, who distinguished between ordinary and Constitutional law. Aristotle classified various Constitutions in his works and concluded that the best system mixes monarchic, wealthy, & republican aspects.<sup>lxxxvii</sup> He distinguished between citizens, who are eligible to participate in the state, and non-citizens, which include slaves<sup>lxxxviii</sup>.

During the breakthrough excavations that Ernest de Sarzec conducted in Iraq in 1877, stunning evidence of humanity's first known code of justice was discovered. This rule of justice was formulated by the visionary Sumerian monarch Urukagina of Lagash approximately 2300 BC. This extraordinary discovery sheds light on ancient legal systems and highlights the profound impact of governance on societal order and fairness.<sup>lxxxix</sup>. Though the document wasn't discovered, it granted rights like tax relief for widows and orphans<sup>xc</sup>. The Code of Ur-Nammu, from Ur around 2050 BC, is the oldest known surviving legal code, showcasing the sophistication of early legal systems and the foundational principles of justice that influence modern law.<sup>xc</sup>, written in Sumerian on tablets (2100–2050 BC)<sup>xcii</sup>. Among the significant ancient legal codes, the Code of Lipit-Ishtar stands out as a remarkable testament to early governance and societal order.<sup>xciii</sup>, the code of Hammurabi<sup>xciv</sup>, Mosaic law, the Hittite code, and the Assyrian code are its three names. In the year 621 BC, Draco compiled the oral laws of Athens.<sup>xcv</sup> implementing the death penalty for various offenses<sup>xcvi</sup>, hence the term "draconian." In 594 BC, Solon established the Solonian Constitution, which eased workers' burdens and made ruling class membership wealth-based<sup>xcvii</sup>. Cleisthenes reformed the Athenian Constitution democratically in 508 BC<sup>xcviii</sup>.

### 3.2 Middle Age.

Early Medieval Times, sometimes called the Dark Ages, lasted from the late fifth to the tenth centuries.<sup>xcix</sup> During this time, many Germanic tribes filled the supremacy vacuum that the Western Roman Empire had left behind and codified their laws. The Western Roman Empire, administered separately from the Eastern Empire between AD 395 and 476<sup>c</sup>, had distinct governance courts<sup>ci</sup>. The Euric Visigothic Code,

established in 471 AD, ranks among the earliest Germanic legal documents and laws. The Lex Burgundionum, Pactus Alamannorum, and Salic Law of the Franks were the next in line.<sup>cii</sup> In 506, the Breviary of Alaric, a collection of Roman laws, was issued by King Alaric II of the Visigoths<sup>ciii</sup>. Subsequent legal codes comprised the Edictum Rothari (643), the Lex Visigothorum (654), the Lex Alamannorum (730), and the Lex Frisionum (circa 785). These documents were composed in Latin, whereas Anglo-Saxon was employed in England, beginning with the Code of Æthelberht of Kent (602).<sup>civ</sup> Around 893, Alfred the Great united old Saxon statutes and other precepts to create the Doom book, which introduced changes that altered England.<sup>cv</sup> In the Asian continent, the Japanese Constitution, drafted in 604 by Prince Shōtoku, has 17 articles.<sup>cvi</sup> It was focused on social morality and influenced by Buddhist teachings, making it a beginning instance of a Constitution of the government.<sup>cvii</sup>

### **3.3 The Constitution of Medina.**

The Declaration of Independence of Medina<sup>cviii</sup>, also known as the Charter of Medina or the Umma Document, was written by the Islamic prophet Muhammad (PBUH) following his migration to Yathrib, subsequently referred to as Medina, where he assumed the role of political leader.<sup>cix</sup> This document addressed tribal issues and established the framework for a multi-religious state under Muhammad's leadership<sup>cx</sup>. It bears striking resemblances to Surah 5 (Al-Ma'idah) of the Quran<sup>cxii</sup> and marked Established an official pact between Muhammad and the prominent tribes and families of Yathrib, encompassing Muslims, Jews, and pagans.<sup>cxii</sup> The main goal of the Constitution was to stop the ongoing conflicts between the Aws and Khazraj clans in Medina.<sup>cxiii</sup> The Muslim, Jewish, and pagan communities were brought together into a unified community known as the Ummah, an overview of numerous rights and obligations for each of these communities.<sup>cxiv</sup> Although the exact date of the Constitution is debated, scholars generally agree that it was composed soon after the Hijra (622)<sup>cxv</sup>.

### **3.4 Medieval Period.**

The Instrument of Government was put into place in 1634 by the Kingdom of Sweden. Lord High Chancellor Axel Oxenstierna drafted the first modern state's

written constitution following King Gustavus Adolphus's death.<sup>cxvi</sup> The first North American Constitution, the Fundamental Orders, was put into effect in Connecticut Colony in 1639,<sup>cxvii</sup> which served as the foundation for all Connecticut Constitutions and is why Connecticut is referred to as "the Constitution State." State.<sup>cxviii</sup> The Rump Parliament declared on January 4, 1649, that the House of Commons represents England. Representing the people, holding supreme power. Following the English Civil War, Oliver Cromwell's English Protectorate introduced a document known as the Instrument of Government, which is widely acknowledged as the first comprehensive written constitution of a contemporary state. This document justified Cromwell's growing authority from 1653 to 1657<sup>cxix</sup> as Parliament struggled to govern effectively.

### **3.5 Modern Constitutions.**

Fundamental principles of contemporary constitutions theory, such as Bicameralism, the separation of powers, a thoughtfully written constitution, and an active role for the judiciary all work together harmoniously, and review, originate in historical experiments from that period.<sup>cxx</sup> The Government of Major-General John Lambert was the one who drafted it in 1653, incorporating elements from the "Heads of Proposals."<sup>cxxi</sup> In 1647, the Army Council reached a consensus on a constitutional arrangement after the defeat of King Charles I in the First English Civil War. Nonetheless, Charles dismissed these proposals before the commencement of the Second Civil War.<sup>cxxii</sup> The Grandees of the New Model Army put forth the "Heads of Proposals," offering a compelling alternative to radical ideas, aiming to reshape the future with thoughtfulness and vision, "Agreement of the People" at the Putney Debates<sup>cxxiii</sup>. On December 15, 1653, Parliament took a decisive step by adopting the Instrument of Government, establishing a pivotal moment in our history.<sup>cxxiv</sup> The next day, Oliver Cromwell was appointed Lord Protector, establishing a state council of 21 members with executive authority. "Lord Protector of the Commonwealth,"<sup>cxxv</sup> The text outlines a non-hereditary life appointment and mandates that Parliaments meet every three years for a minimum of five months for each session.

In May 1657, The Humble Petition and Advice, which Sir Christopher Packed offered, succeeded the Instrument as England's last codified constitution.<sup>cxxvi</sup> The

appeal proposed the establishment of a hereditary monarchy under the leadership of Cromwell, affirmed Parliament's authority over taxation, provided for the creation of an impartial adviser to advise the head of state, and guaranteed the occurrence of Triennial meetings of the Senate. On May 25, a new and amended Petition was ratified, removing the provision about monarchy; however, this arrangement concluded with Cromwell's demise and the subsequent restoration of the monarchy. During the American Revolution, the future thirteen original colonies of the with the exception of Rhode Island, Connecticut, and Massachusetts, all of the states' constitutions were put into effect in 1776 and 1777. In 1780, the constitution of Massachusetts was approved. However, to making it the oldest still-functioning state constitution in the United States, while Connecticut and Rhode Island formalized theirs at a later date.<sup>cxxvii</sup> For many years, the region was shaped by outdated colonial charters. However, in a significant shift, it embraced change and established its own state constitutions in 1818 and 1843, marking a new chapter in its governance and identity.<sup>cxxviii</sup>

The earliest documented instance of a parliament, a royal assembly, dates to 1188 when Alfonso IX of León (Spain) summoned the three estates in the Cortes of León.<sup>cxxix</sup> Simon de Montfort stands out in English history for his remarkable role in convening two pivotal parliaments that shaped the future of governance.<sup>cxix</sup> The initial event in 1258 restricted the king's total authority, whereas the subsequent event in 1265 involved common townspeople, citizens.<sup>cxixi</sup> During the significant changes of the seventeenth decade, the British lawmakers championed the principles of liberal democracy, laying the groundwork for the monumental Glorious Revolution and the ground-breaking 1689 Bill of Rights. These pivotal developments not only reshaped the political landscape of England but also set a powerful precedent for democratic governance around the world.<sup>cxixii</sup> In Great Britain, while the monarch was expected to chair the parliament and appoint ministers, King George I's struggle with the language dramatically altered this dynamic. As a result, the mantle of leadership fell to Robert Walpole, the first Prime Minister, who effectively navigated the complexities of governance. This pivotal shift not only defined a new era in British politics but also laid the groundwork for the modern parliamentary system we recognize today.<sup>cxixiii</sup> The gradual expansion of parliamentary democracy increased

its influence in government and decision-making about to whom the king could assign the task of forming a government<sup>cxxxiv</sup>.

As the 19<sup>th</sup> century began, a crucial milestone in British history arose with the Great Reform Act of 1832. This revolutionary law ignited discussions about representation and democracy, transforming the political landscape and laying the groundwork for a more inclusive society. It solidified parliamentary supremacy, making the selection of the prime minister heavily dependent on parliamentary choices, which fundamentally guided government direction and amplified public voice in the democratic process.<sup>cxxxv</sup> Many other countries have gradually adopted the Westminster system of government.<sup>cxxxvi</sup> In a dynamic political system, the executive is directly accountable to the smaller chamber of a bicameral legislature, effectively exercising its powers in service of the head of nation. This structure ensures a robust framework of checks and balances, fostering transparency and trust in governance.<sup>cxxxvii</sup> This led to terms like "Her Majesty's government" in monarchies or "His Excellency's government" in republics<sup>cxxxviii</sup>. Several countries that were once under British rule, including South Africa, New Zealand, Canada, Australia, and the Irish Free State, adopted this system when it became widespread.<sup>cxxxix</sup> Several countries had their constitutions established by the British Parliament. However, some of their parliamentary systems developed differently from the British model. For instance, the Australian Senate is more similar to the U.S. Senate than to the British House of Lords. Additionally, after 1950 New Zealand has not had an upper house.<sup>cxl</sup> Trinidad and Tobago, along with Barbados, has bravely severed its connections with Great Britain, transitioning into republics with independent presidents while preserving the Westminster system. This move underscores their commitment to self-governance and the fundamental principles of answerability and responsibility in parliamentary administration.<sup>cxli</sup>

In the ages following the 1<sup>st</sup> World War, democracy and parliamentary systems became more widespread in Europe.<sup>cxlii</sup> Countries like Germany's Weimar State and Austria's First Austrian Republic went through huge changes after seeing how well the US, Britain, and France did as separate countries. These powerful influences shaped their political landscapes, highlighting the importance of democratic ideals in

fostering stability and progress.<sup>cxliii</sup> In the 19<sup>th</sup> century, cities grew rapidly due to urbanization and the Industrial Revolution. This change, along with modern ideas, led many Radicals and social democrats to demand a parliamentary system. As a result, they became the leading political force in several countries. There, the Radical Party and their centre-left associates controlled the administration for many years.<sup>cxliv</sup> This system, adopted after the collapse of the 2<sup>nd</sup> French Empire on September 4, 1870, lasted until July 10, 1940<sup>cxlv</sup>, when the Vichy government emerged after France's fall in World War II<sup>cxlvi</sup>. Nonetheless, the 1930s saw the rise of fascism, ending parliamentary democracy in countries like Italy and Germany. Fascism represents a powerful and extreme ideology characterized by authoritarianism and an intense sense of ultra-nationalism<sup>cxlvii</sup>, and which is marked by an authoritarian front-runner, central dictatorship, militarism, repression of dissent, conviction in a natural social order, and robust societal and economic control<sup>cxlviii</sup>.

Following World War II, the victorious Allies occupied the defeated fascist Axis powers<sup>cxlix</sup>. Allied republics (the United States, United Kingdom, and France) implemented governmental Compositions in the occupied countries, leading to the Structures of Italy, West Germany (now all of Germany), and Japan in 1947<sup>cl</sup>. The experiences of occupied nations during wartime, which led to the return of legitimate democratic governments, reinforced the people's promise to governmental values. Denmark adopted a new-fangled composition in 1953, while Norway engaged in a lengthy discussion that ultimately resulted in no changes to its well-established democratic constitution.<sup>cli</sup>

### **3.6 The Westminster System.**

The Westminster system stands as a robust framework embraced by the Commonwealth of Nations and nations shaped by British political traditions. Its proven effectiveness in promoting democratic governance underscores its importance and relevance in today's political landscape<sup>clii</sup>. These parliaments have a more adversarial debate style, with plenary sessions being more significant than committees<sup>cliii</sup>. Some countries, like the UK, Canada, India, and Malaysia, use a first-past-the-post electoral system, while others, like Ireland and New Zealand, use

proportional representation (PR). This ensures that various subgroups within the electorate are represented in proportion to their size.<sup>cliv</sup> In Australia, the House of Representatives uses preferential voting, and the Senate uses PR through a single transferable vote. The House of Governments, as the lesser house of Australia's parliament, plays a crucial role, while the Senate, the upper house, ensures a balanced and comprehensive legislative process. Together, they uphold democracy and represent the voice of the people.<sup>clv</sup> Regardless of the system used, voters typically ballot for baptised candidates rather than a closed list. Most Westminster arrangements require ministers to be members of Parliament, but some, like Bangladesh<sup>clvi</sup> to enhance governance, we should adopt Jamaica's model, allowing extra-parliamentary ministers through an appointed Upper House while ensuring that most ministers, including the PM, originate from the elected minor dynasty for greater accountability and representation.<sup>clvii</sup>

In Western Europe, countries like Spain and Germany follow a parliamentary model emphasizing consensual debating and semi-circular chambers. These systems unequivocally favour proportional representation (PR) with open-party lists rather than the Westminster model. Committees play a more significant role than plenary sessions. Extra-parliamentary ministers are common, and strict monism is rare. Nations like the Netherlands, Slovakia, and Sweden practice dualism, necessitating MPs to resign when appointed as ministers<sup>clviii</sup>. The method of appointing prime ministers and governments can vary, as can the need for explicit parliamentary approval<sup>clix</sup>. While countries like India mandate ministers to be legislators, in Canada and the UK, it's a convention in certain nations, this includes wonderful places like Norway, Sweden, and the Benelux countries, where sitting legislators are required to step down when they move into the executive branch. This practice ensures a clear separation between legislative and executive responsibilities, promoting accountability and maintaining the integrity of parliamentary democracy. Despite the fact that the Westminster prime ministers' system are usually the most prominent party leaders, their appointment is formally a head of state's prerogative.<sup>clx</sup>

The Constitution of Sweden, established in 1772 by King Gustavus III, drew inspiration from Montesquieu's ideas on the separation of powers as well as other

Enlightenment thinkers' ideals. The king also repealed torture, liberalized agricultural trade, reduced the death penalty, and introduced religious freedom<sup>clxi</sup>, earning commendation from Voltaire<sup>clxii</sup>. The United States Constitution, ratified on June 21, 1788, was influenced by philosophers like Polybius, Locke, and Montesquieu, establishing a benchmark for republicanism.<sup>clxiii</sup> On May 3, 1791, the Polish Lithuanian Commonwealth Constitution was adopted and<sup>clxiv</sup> it was developed by Enlightenment figures, including King Stanislaw August Poniatowski<sup>clxv</sup> and Stanisław Staszic, and was Europe's first Constitution and the second oldest globally after the American Constitution<sup>clxvi</sup>. The French Constitution of 1791, France's first written Constitution, emerged after the Ancien Régime's collapse, emphasizing Constitutional principles and popular sovereignty<sup>clxvii</sup>. The inaugural Composition of Venezuela, which was recruited in 1811 through Cristóbal Mendoza and Juan Germán Roscio<sup>clxviii</sup>, set up a central administration before it remained cancelled a year later<sup>clxix</sup>.

The Spanish Constitution of 1812 was approved on March 19, 1812, by an assembly convened in Cadiz, which was the only Spanish town protected from French profession.<sup>clxx</sup> This Structure influenced liberal Constitutions in Southern Europe and Latin America, including Portugal's 1822 Constitution, numerous Italian circumstances' Constitutions during the Carbonari revolutions, Norway's 1814 Constitution, and Mexico's 1824 Constitution. From 1807 to 1811, Napoleonic French forces invaded Portugal three periods, prompting the noble personal to relocate toward Brazil in 1821<sup>clxxi</sup>. From Brazil, King John VI ruled his empire for thirteen years<sup>clxxii</sup>. Brazil's 1824 Constitution<sup>clxxiii</sup> opted for a monarchy after independence<sup>clxxiv</sup>, with Portuguese prince Pedro I<sup>clxxv</sup>, the king's eldest son, leading the emancipation process and being crowned as Brazil's first emperor in 1822. The country remained a Constitutional monarchy until adopting a republican model in 1889<sup>clxxvi</sup>.

During the Napoleonic Wars, Denmark lost Norway to Sweden<sup>clxxvii</sup>. In 1809, Sweden took a groundbreaking step by implementing the Instrument of Government, a transformative document that redefined the distribution of power in the nation. It established a dynamic balance, dividing authority between the Riksdag, the

monarchy, and the judiciary, paving the way for a more cohesive and structured governance. This innovative approach marked a significant evolution in Sweden's political landscape.<sup>clxxviii</sup> Norway's 1814 Constitution adopted democratic and liberal principles after the American and French Constitutions, nonetheless kept a monarch with hereditary status constrained by the Constitution, similar to Spain<sup>clxxix</sup>. Switzerland's first Centralised Composition was enacted in September 1848, undergoing several amendments, leading up to the 1999 Constitution referendum<sup>clxxx</sup> updating the 1874 constitution<sup>clxxxi</sup>. The Serbian revolution initially produced a proto-structure in 1811, with a full structure of Serbia following in 1835<sup>clxxxii</sup>, adopted in Kragujevac<sup>clxxxiii</sup>. Canada's composition, recognized as the British North America Act, was enacted on July 1, 1867, and subsequently patriated with the addition of the Canadian Contract of Rights and Freedoms<sup>clxxxiv</sup>. The Canadian composition is made up of both the written elements from the Constitution Acts, spanning from 1867 to 1982, and also includes unwritten elements that are deeply connected to our common law. This blend helps to shape our unique legal framework and identity convention<sup>clxxxv</sup>.

#### **4. State's Constitution: Background and Types**

The Constitution is crucial in maintaining a country's political and social stability. It establishes a usual of laws and values that guide the supremacy of a nation-state. It outlines the rights, rules, and responsibilities of both the government and its citizens, specifies the powers of different branches of government, and explains the procedures for creating and enforcing laws, regulations. Constitutions provide the essential structure for a nation's political system, forming the relationship between the government and its citizens. Like the US composition, a constitution can be written or unwritten, as seen in the UK's Composition. While most countries have some written constitutions, New Zealand, Saudi Arabia, Israel, and the United Kingdom are notable exceptions. Regardless of its format, a constitution is vital for any democratic society as it establishes a framework for stable governance and safeguards citizens' rights.

A codified Constitution serves as a governance framework, consolidating a state's essential principles and regulations into a solitary written text. In comparison, a

constitution resembles the articles of association that regulate a group. From a self-governing viewpoint, a constitution safeguards individual rights and helps prevent authoritarian rule. Politically, it specifies and legitimizes those in power, detailing the primary institutions and processes that enact this sovereignty. A constitution ethically reflects the core values that underpin the state and society. Legally, it serves as the country's foundational law and forms the basis of its legal framework. As the apex of legal sources, all constitutional laws and legal statutes must comply with the Composition. Additionally, it sets up crucial systems for law enforcement and interpretation in instances of defilements and arguments.

Contemporary constitutions are frequently regarded as "social contracts" to regulate social life. In democratic countries, they are generally regarded not as agreements between the state and its citizens but as a pact among the people themselves that specifies how to organize, reconcile varying interests, and shape their government. The Constitution's role becomes particularly crucial in societies facing tensions and conflicts. In these situations, it is expected to provide legal guidelines and a framework for resolving disputes, complete with principles and mechanisms applied.

All societies are governed in some manner<sup>clxxxvi</sup>. A modern Constitution aims to create a structure for efficient governance. Therefore, it's unsurprising that good governance is rooted in the core principles of today's Constitutionalism. The World Bank states that "good governance is epitomized by predictable, open, and enlightened policymaking (i.e., transparent processes); a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs, all adhering to the rule of law."

clxxxvii

A codified Constitution specifies the core principles of laws, government structure, powers, and citizens' rights. Countries with codified Constitutions include the USA, India, and France. The benefits of such Constitutions are clarity and protection of rights<sup>clxxxviii</sup>. However, they are difficult to amend and can be inflexible. A written Constitution serves as a comprehensive document that establishes the country's supreme law, outlining the rights and obligations of the government. Conversely, an unwritten Constitution performs a similar function but depends on a combination of

rules, customs, and historical precedents. While a written Constitution is found in a single document, an unwritten Constitution evolves from established traditions and practices. A key difference between codified and uncoded Constitutions is that codified ones typically provide a more straightforward legal framework, as all definitions are explicitly stated. In contrast, uncoded Constitutions offer greater flexibility, enabling easier adjustments to changing conditions and social norms. Additionally, due to its reliance on conventions and implicit standards, an uncoded Constitution can be more challenging to articulate its precise content scope.

A constitution that is not codified does not exist in a single document but combines statutes, court decisions, and conventions. This system offers flexibility and adaptability to changing circumstances<sup>clxxxix</sup>. However, it may lead to legal uncertainty and difficulty in enforcement due to the lack of clear rules. The UK, New Zealand, Israel, and Saudi Arabia have unwritten Constitutions. These countries rely on strong legal traditions rather than a single document with higher legal status. Unwritten Constitutions, being less formal, may undermine legitimacy and be more vulnerable to abuse of power. The expert of the executive, legislative, and judicial branches is unclear, potentially leading to conflicts and ambiguity<sup>exc</sup>. The flexible nature of uncoded Constitutions allows for multiple interpretations, such as differing views on proroguing Parliament. While they offer adaptability, they also bring uncertainty. The choice between a codified or uncoded Constitution depends on history, culture, and political context, but both should outline government rules and citizen responsibilities.

Both codified and uncoded Constitutions depend significantly on Constitutional conventions norms that direct important Constitutional actors. In the UK, conventions limit the limitless prerogative powers of the government monarch<sup>exc</sup>. Traditionally, the King chooses the individual best suited to earn the House of Commons' confidence as Main Minister. Similarly, while the US Constitution does not demand it<sup>excii</sup>, members of the Democratic College<sup>exciii</sup> follow the convention of reflecting the popular vote in their state rather than their personal preferences<sup>exciv</sup>. Jones' recent book, "Constitutional Idolatry and Democracy," This text contrasts the strengths of the UK and US legal systems. It points out that the American

Constitution is more available to lawmakers, juries, and the community. Many children in the US memorize sections of it, and it is easily found online, often topping best-seller lists. The UCL Constitution Unit states that “parliamentary sovereignty is a fundamental principle of the British Constitution”. Lacking a formal written Constitution, the UK relies on statutes as its highest legal authority. Subramaniam notes that the main advantage of a written Constitution is the protection it provides to citizens, serving as a contract between them and their government, where citizens agree to governance in return for assurances of their freedoms and equality.

Subramaniam contends that the rights safeguarded by a written Constitution generally surpass the ability of a parliament to amend them solely by a simple majority. This protection protects individuals and minority groups from the pressures of majoritarianism and populism. British philosopher AC Grayling noted that a constitution that the current government cannot alter offers stronger protection for rights and freedoms than one subject to fleeting and partisan interests. In countries like the US, the Constitution is watched as a fundamental document. In contrast, the UK, which has functioned for centuries without a singular written Constitution, would face challenges in formalizing such a document, controversial. The process could take many years of political negotiation and lobbying, potentially making debates around the primacy of EU law seem minor in comparison<sup>cxv</sup>. Furthermore, a report from the Commons Political and Constitutional Reform Committee<sup>cxvi</sup> in 2015 observed that written Constitutions worldwide typically exist after events such as invasions, revolutions, or significant political failures and breakdowns in government operations<sup>cxvii</sup>.

By 2017, just two nation states<sup>cxviii</sup>, New Zealand and the UK, had uncodified constitutions. Since 1950, Israel's Basic Laws aim to establish a constitutional foundation but remain undrafted, 2017<sup>cxix</sup>. Uncodified Constitutions develop via rules and agreements established over periods, exemplified by the Westminster System in Britain<sup>cc</sup>. Unlike codified constitutions, uncodified ones consist of written elements like decrees enacted by the assembly and spoken components such as agreements, examples, royal privileges, and customs civilisations (e.g., holding

general elections on Thursdays). Collectively, these form British Constitutional law<sup>ccci</sup>. Interestingly, many Constitutions do not last more than ten years, with approximately 10% failing within one year, exemplified by the French Constitution of 1791<sup>ccii</sup>. Hegel once remarked, "A Constitution...is the work of centuries; it is the idea, the consciousness of rationality so far as that consciousness is developed in a particular nation."<sup>cciii</sup> Thomas Jefferson predicted that Constitutions should remain in force for about twenty years, asserting that "the earth belongs to the living, and not to the dead."<sup>cciv</sup> Recent studies indicate that a newly drafted Constitution typically lasts around nineteen years<sup>ccv</sup>. Furthermore, a study from 2009 found that it typically takes about sixteen months to draft a constitution month<sup>ccvi</sup>.

The Constitution of a state is the fundamental law governing its Statehood<sup>ccvii</sup>. Constitutions typically encompass a set of endorsed rules and regulations underpinned by core principles, which guide the functioning of the state through its governmental institutions. A Constitution is not merely a collection of principles, provisions, and legal norms; it serves as the foundational legal text upon which national institutions are established and developed.<sup>ccviii</sup> The Constitution acts as the legal cornerstone for the inception of any statehood. However, the Basic Law within a state may encounter significant challenges if it lacks appropriate political, economic, and ethical alignment. Furthermore, the primary aims and objectives of the Basic Law must be articulated with clarity and precision. Constitutional law is also appreciated for its structural coherence and the eloquence of its expression, which all relevant parties, including opposing political factions, should embrace

Constitutional law is documented in written texts or scattered across various documents and conventions. Constitutions undergo periodic changes to meet evolving needs and demands. About 800 compositions have been accepted and edited globally<sup>ccix</sup>. The US Constitution is the oldest and shortest written Constitution<sup>ccx</sup>, while the UK's is uncodified, consisting of laws, court cases, and treaties<sup>ccxi</sup>. Monaco has the shortest constitution, containing 3,814 words<sup>ccxii</sup>, and India's is the longest, with 146,385 words<sup>ccxiii</sup>. San Marino's Constitution, in effect since 1600, could be the oldest active constitution in black and white in the world<sup>ccxiv</sup>.

## 5. Formulation of State's Constitution

As tribal groups transitioned to urban living and nation-building, many societies operated based on unwritten traditions. Concurrently, some evolved into autocratic or tyrannical monarchies, governed by decrees or the whims of individual rulers. This kind of leadership prompted astute thinkers to suggest that the qualities of rulers outweighed the structure of governmental systems operations. This perspective is evident in Plato's advocacy for governance by "philosopher-kings"<sup>ccxv</sup>. Subsequent thinkers like Aristotle, Cicero, and Plutarch analyzed government structures through legal and historical lenses<sup>ccxvi</sup>.

The Renaissance introduced political philosophers who critiqued monarchies and sought principles for constitutional design to achieve effective, equitable governance. Its foundation was rooted in humanism, influenced by the Roman humanities and the revival of traditional Greek viewpoint, Protagoras<sup>ccxvii</sup>. This period saw a revitalisation of the Roman law of nations idea and its influence in international affairs, as efforts were made to found normal "laws of war and peace" aimed at reducing conflicts and their effects likelihood<sup>ccxviii</sup>. This sparked conversations regarding the range and source of royal or official power and possible solutions for its abuse<sup>ccxix</sup>.

A notable advancement in this conversation occurred in England amidst the Civil War and the Cromwellian Territory.<sup>ccxx</sup> The Works of Hobbes, Rutherford, Levellers, Milton, Harrington fuelled discussions among advocates of the divine right of kings, such as Robert Filmer<sup>ccxxi</sup>, Those advocating for government based on natural laws and social contracts, including Henry Neville, James Tyrrell, Algernon Sidney, and John are individuals who have left a significant mark in history, showcasing remarkable achievements and contributions that inspire many Locke<sup>ccxxii</sup>. The latter group argued that governments arise from a natural state governed by laws, forming a societal framework through a social contract.

Throughout this period, various writers assessed the importance of governmental design, even within monarchies. They categorized past governments as democracies, aristocracies, or monarchies, evaluating their justice effectiveness<sup>ccxxiii</sup>. They also

considered how combining elements of each system could achieve a balanced and more complex governance structure. Thinkers like Montesquieu explored the appropriate separation of governmental functions into legislative, executive, and judicial branches. The common thread among these intellectuals was a belief that Constitutional design is not arbitrary but constrained by underlying principles applicable to all policies or organisations, building on the ideas of their predecessors regarding these principles<sup>ccxxiv</sup>.

In his later writings, Orestes Brownson seeks to clarify the purposes of the Constitution designers<sup>ccxxv</sup>. Brownson claims three "Constitutions" are at play: The first is the Constitution of nature, encompassing all elements commonly referred to as natural law<sup>ccxxvi</sup>. The additional element is the Constitution of society, which consists of a spoken and widely accepted set of guidelines based on a social contract that predates government formation. This social Constitution lays the groundwork for the third Structure, the composition of government. The societal composition includes decision-making by public conventions, which are convened by public notice and conducted according to established procedural rules<sup>ccxxvii</sup>. Procedures in Parliament—accepted rules, ethics, and customs—govern meetings of assemblies or organizations, facilitating orderly deliberation on matters of interest and allowing the majority's will to be determined.

Each constitution must be grounded in its historical predecessors and significant events of societal development or legitimate ratification. Brownson asserted that a nation forms a society capable of effectively governing a specific territory. Consent to a well-constructed constitution stems from an individual's presence in that region. He argued that supplies within printed components could be labelled "unconstitutional" if they conflict with the principles of countryside or civilization. Moreover, Brownson believed that just ratifying a written constitution does not confer legitimacy; it also necessitates applying a competent design<sup>ccxxviii</sup>.

Some writers argue that these concepts reach beyond the Constitutions of national governments to those of private organizations. They suggest that it's not coincidental that Constitutions addressing the needs of their members include certain fundamental elements, or that their provisions frequently mirror each other as they evolve through

practical experience and use<sup>ccxxix</sup>. Provisions that raise particular questions are seen as needing extra measures for resolution, whereas those that do not suggest any action might be better left out and subject to policy decisions. Provisions that contradict what Brownson and others recognize as the essential "Constitutions" of nature and society often become challenging or unfeasible to implement, or result in disputes that cannot be resolved<sup>ccxxx</sup>.

Constitutional design is often approached as a metagame, where the objective is to devise the optimal framework and supplies for a printed Composition that will effectively govern government operation<sup>ccxxxi</sup>. The goal is to balance justice, liberty, and security<sup>ccxxxii</sup>. A notable example is the metagame Nomic, created in 1982 by philosopher Peter Suber. Nomic is a game whose rules include mechanisms for their amendment, typically initiated through democratic voting.<sup>ccxxxiii</sup>

Political economy theory considers constitutions as mechanisms that allow citizens to coordinate efforts and prevent abuses of power by those in authority. When citizens work together to hold officials accountable for infringing on constitutional rights, it fosters governmental adherence to the protections stipulated in the Constitution. Conversely, another viewpoint posits that it is not the public that upholds constitutions, but the enforcement capabilities of the state's administration. Rulers rely on institutions like the military, judiciary, police, and tax authorities to execute their policies. These bodies can confront the government by choosing not to comply, thus eroding the rulers' authority. Therefore, constitutions can be viewed as instruments that maintain a power equilibrium between rulers, key agents, and administrators<sup>ccxxxiv</sup>.

A constitution usually denotes a set of guidelines and ideologies that outline the government's nature and functions. It typically regulates the interactions between state institutions, such as the decision-making, government, and bench, and the relationships among these entities' branches<sup>ccxxxv</sup>. For instance, the executive branch can include a leading position of government, multiple government departments or ministries, executive agencies, and a civil service or administration. The civil service is a part of the government mainly made up of career employees who are appointed instead of elected, and their positions typically persist despite shifts in political

leadership. A civil service officer, lovingly referred to as a public servant, plays a vital role in the public sector, working for a government department to support and serve the community<sup>ccxxxvi</sup>.

## **6. Constitutional Rights**

Most constitutions define individual-state relationships and establish citizens' rights. They serve as the foundational law from which all other laws derive; it's called "Basic Law" in some areas<sup>ccxxxvii</sup>. Constitutions include various rights and duties. A basic law can be a codified Constitution or serve as one in uncoded countries, a Constitution. The phrase "basic law" is sometimes used instead of the Constitution and might be perceived as a provisional arrangement until a formal document is established constitution<sup>ccxxxviii</sup>. Fundamental law may occasionally be utilized to prevent the perception of being the supreme law, akin to the Constitution<sup>ccxxxix</sup>. There could be several reasons for this, including religious considerations. These laws encompass many aspects such as rights, freedom, responsibility, and duties. The most important of these subjects have been outlined below:

### **6.1 Duty to pay taxes.**

A tax is a mandatory financial fee levied on taxpayers, whether individuals or legal entities, by a government authority to finance public expenditure and costs or to control and reduce adverse effects externalities<sup>ccxli</sup>. Tax obedience denotes the actions taken by policy-makers and individuals to ensure that taxpayers fulfill their obligations by remitting the accurate amount of tax on time and securing the appropriate allowances and deductions relief<sup>ccxlii</sup>. The earliest recorded taxation occurred in Ancient Egypt between 3000 and 2800 BC<sup>ccxlii</sup>. Taxes encompass both direct and indirect forms, which can be paid in either money or labour equivalent<sup>ccxliv</sup>. Most countries around the globe implement a tax system to support public services, address daily societal needs, and sustain essential government functions<sup>ccxliv</sup>.

### **6.2 Duty to serve in the military.**

Military service involves participation by individuals or groups in the army, various militias, air forces, naval forces, marine corps, or space force, either as a chosen

career or through conscription<sup>ccxlv</sup>. Conscription is the compulsory enlistment of individuals by the government into national service, primarily military service<sup>ccxlv</sup>. This practice dates back to ancient times and persists in various forms and names in some countries today<sup>ccxlvii</sup>. During the French Revolution in the 1790s, the contemporary practice of widespread nationwide recruitment for young men originated, establishing a basis for a large and formidable military<sup>ccxlviii</sup>. The issue of conscription is often discussed in several ways, including careful objections to military service based on spiritual or philosophical beliefs and party-political factors<sup>ccxlix</sup>. As of 2023, many countries have discontinued conscription, relying instead on professional militaries composed of volunteers. However, this approach assumes a degree of predictability concerning war-fighting supplies and the extent of hostilities<sup>cccl</sup>. Numerous conditions that have eliminated recruitment still retain the authority to reinstate it during wartime or in times of national emergency crisis<sup>cccli</sup>.

### **6.3 Right to conscientious objection.**

A conscientious objector asserts the entitlement to decline military service based on freedom of conscience or personal religious belief<sup>cccli</sup>. The term also denotes individuals who refuse to participate in the military-industrial complex because of a crisis of conscience. In several republics, careful objectors can choose alternative civilian service rather than being conscripted or obligated to serve in the military service<sup>cccliii</sup>. Resolution 1995/83 was ratified by the United Nations Commission on Human Rights on March 8, 1995, establishing that military personnel have the right to conscientious objection. In the United States, service members who come to hold carefully protest beliefs must submit their case to a panel of psychiatrists and military chaplain officers.<sup>cccliv</sup> Switzerland's panel consists solely of civilians, excluding any military authority. In contrast, Germany has put the draft on hold in 2011<sup>ccclv</sup>. The right to careful opposition is vital to our freedoms surrounding thought, conscience, and religion. This principle is beautifully supported. Inspired by the principles outlined in the Universal Declaration of Human Rights and the European Convention on Human Rights, we are reminded of the fundamental freedoms and dignity that belong to every individual.<sup>ccclvi</sup>

#### **6.4 Duty to work.**

The right to work represents the essential anthropological right of every separate, to participate in productive employment free from obstruction. This right is enshrined in the 1948 World-wide Statement of Human Rights.<sup>cclvii</sup> The 1966 International Covenant on Economic, Social and Cultural Human rights emphasizes the significance of economic, social, and cultural development. In 2006, In its responsibility to defend these norms and statutes, the United Nations Human Rights Council succeeded the Commission on Human Rights.<sup>cclviii</sup> Sustainable Development Goal 10 also aims to establish and implement policies that reduce inequality<sup>cclix</sup>.

#### **6.5 The right to gather and connect.**

The freedom of meeting enables people to gather, whether in public or private, to promote change and highlight issues like human rights and socio-economic concerns. Freedom of association encompasses the right to express, advocate, support, and uphold common interests and collective objectives. This right is documented as humanoid, party-political, and civil freedom. It includes joining or leaving groups voluntarily, collective action by the collection, and the group's right to regulate membership<sup>cclx</sup>. This encompasses joining trade unions, engaging in free speech, and participating in political parties, religious organizations, fraternities, and sports clubs, without being compelled<sup>cclxi</sup>. Everyone has the right to create or join any legal or group organization.

#### **6.6 Freedom of expression or speech.**

Liberty of language is a core code that lets persons and groups to share their thoughts and philosophies without fear of repercussion, restriction, or lawful consequences. This right is protected by the Universal Declaration of Human Rights and UN human rights legislation. Frequent countries have constitutional protections for freedom of speech. The phrases "free speech," "freedom of speech," and "freedom of expression" are commonly used interchangeably in party-political discourse.<sup>cclxii</sup> In legal terms, liberty of appearance includes all actions related to looking for, getting, and sharing info or ideas, irrespective of the method used. Liberty of language has

limits, including restrictions on libel, slander, obscenity, sedition, hate speech, privacy rights, and public safety perjury.<sup>cclxiii</sup> The idea of freedom of speech and expression has deep historical roots, predating contemporary international human rights documents. The principle of free speech in ancient Athens is believed to have emerged between the late 6th and early 5th centuries BC<sup>cclxiv</sup>. Consequently, people can voice their views and exchange information, barring some exceptional situations.

### **6.7 Freedom of movement.**

Mobility rights, or the freedom of movement, are a fundamental human right enabling individuals to travel both domestically and internationally country<sup>cclxv</sup>. This right includes visiting places and relocating for residence or work<sup>cclxvi</sup>. However, governments may impose public health, order, or safety restrictions. Most countries require citizens to travel with a valid passport or other official documents<sup>cclxvii</sup>, but having these does not guarantee the right to leave<sup>cclxviii</sup>. Restrictions may arise from criminal investigations, serving a sentence, debt default, or national security threats.<sup>cclxix</sup>

### **6.8 Freedom of thought.**

Freedom of thought signifies a person's capacity to form or evaluate an opinion or belief independently of others. Individuals pursue cognitive skills by acquiring knowledge, concepts, and theories, critically evaluating them in their contexts. This cognitive skill can generate a sense of fulfilment and mitigate feelings of powerlessness. Besides feeding the ego, gaining new knowledge and insights brings confidence for the future<sup>cclxx</sup>. The concept of freedom is closely linked to various rights, including freedom of religion, language, and expression. According to the United Nations Human Rights Committee, this distinction emphasizes the differences between the rights of thought, conscience, religion, or belief and the right to practice one's religion or belief<sup>cclxxi</sup>. It imposes no limits on freedom of supposed, conscience, or choice of belief, which are protected without restrictions.<sup>cclxxii</sup> The Human Rights Measurement Initiative evaluates global freedom of estimation and appearance through a country-specific human rights survey of experts<sup>cclxxiii</sup>.

## 6.9 Freedom of the press.

Freedom of the media, encompassing various media forms such as print, electronic platforms, and published materials, is a basic principle that recognizes communication and expression as an inherent right<sup>cclxxiv</sup>. This freedom means there is no interference from an overreaching government; it can be secured through a constitution or other legal safeguards, security<sup>cclxxv</sup>. Any government can decide which materials are public or confidential, irrespective of governmental information. State materials are protected for two main reasons: either because they are classified as sensitive, classified, or secret, or due to their importance in protecting national interests<sup>cclxxvi</sup>. Numerous governments adhere to "sunshine laws" or freedom of information statutes, which define the extent of national interest and authorize citizens to seek access to the information held by the government<sup>cclxxvii</sup>. The United Nations' 1948 Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas through any media regardless of frontiers." Annually, the Committee to Protect Journalists compiles an exhaustive list of journalists who have been killed because of their work. This includes detailed profiles of each fallen journalist in a vast database, as well as a yearly count of those currently incarcerated journalists<sup>cclxxviii</sup>.

## 6.10 Freedom of religion.

Freedom of religion, or freedom of belief (FoRB), upholds the right of persons or communities to express their faith or belief publicly or privately through teaching, practice, and worship observance<sup>cclxxix</sup>. It also encompasses the correct not to adhere to any religion or belief, commonly known as freedom from religion<sup>cclxxx</sup>. Religious liberty may include secular liberalism, but not its authoritarian forms, secularism<sup>cclxxxi</sup>. Most nations and many individuals see religious freedom as a fundamental human right<sup>cclxxxii</sup>. This encompasses at least the freedom to believe, though some contend it should also include the liberty to practice worship<sup>cclxxxiii</sup>. Freedom of worship is often seen as identical with both freedom of belief and freedom of repetition, or as a term that connects the two. This means that everyone has the right to practice their beliefs, alter their religion, and demonstrate their

religious convictions through adoration, education, repetition, and adherence, as long as these actions are lawful<sup>cclxxxiv</sup>.

### **6.11 Freedom from discrimination.**

The Universal Declaration of Human Rights (UDHR) affirms the right to freedom from judgment and is integral to worldwide human rights law, as embodied in the ICCPR and ICESCR.<sup>cclxxxv</sup> The International Covenant on Civil and Political Rights (ICCPR) is a multifaceted agreement requiring nations to guarantee civil and political rights for individuals, including rights to life, freedom of religion, speech, assembly, electoral participation, and equitable due process. Similarly, enacted by the United Nations General Assembly on December 16, 1966, by GA Resolution 2200A (XXI), the ICESCR is another international convention with effect on January 3, 1976.<sup>cclxxxvi</sup>

The right to be protected from judgment holds particular significance for historically marginalized and "vulnerable" groups. This right is specifically outlined in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities<sup>cclxxxvii</sup>. To end prejudice based on race and to foster understanding among people of different ethnic backgrounds, the United Nations ratified the ICERD. On the other hand, the International Bill of Rights for Women, often known as CEDAW, was approved by the United Nations General Assembly in 1979. Its ratification count is 189 nations since its enactment on September 3, 1981.<sup>cclxxxviii</sup> An international convention aimed at safeguarding the rights and dignity of those with disabilities, the United Nations Convention on the Rights of Persons with Disabilities<sup>cclxxxix</sup>. Therefore, protection against discrimination ensures that rights outlined in other conventions are not denied owing to gender, race, color, linguistic, faith, party-political beliefs, national or social origin, affiliation with a nation-wide minority, property status, birth, or any other criteria status<sup>ccxc</sup>.

### **6.12 Right to vote.**

Voting is essential for engaging in a democracy system<sup>ccxci</sup>. It embodies social, cultural, and national justice issues and is a crucial civil rights matter. Every citizen

of a state or country is entitled to vote. For instance, whether the accurate to election is considered a fundamental or Unconstitutional correct has been widely debated<sup>ccxcii</sup>. Recently, a Supreme Court judgment in India clarified that the Precise to Division is Constitutional. This judgment raises the question: “Why is the right to vote considered Constitutional?” Voting is certain below Object 326 of the Structure of India. According to the country's supreme legal authority, any law or right mentioned in the Constitution but not categorized under a specific section is known as a Constitutional Law or Right. Since the right to vote is articulated within the Components and not under the category of foundational Privileges, it is designated as a Constitutional Right. The original U.S. Constitution offers minimal detail on voting rights, not explicitly guaranteeing citizens the right to vote. It only conditions that those qualified to poll for a state's most significant legislative chamber can also vote for the state's House representatives<sup>ccxciii</sup>.

### **6.13 Right to dignity.**

Human dignity is a relatively fresh idea in world-wide and constitutional rule, acknowledged as both a value then a right<sup>ccxciv</sup>. Human Rights as Deemed by All Nations (1946) recognizes human dignity but does not define it. Post-WWII Constitutional adjudication identifies three elements: equal, inherent dignity that remains undiminished, recognition and respect for this dignity, along with the government's obligation to actualize it via socio-economic rights. Founded on Kantian ethics, dignity implies that persons must not ever be used solely as a income to an finish. The legal notion of dignity is complex and often lacks a clear definition, blending moral philosophy with legal principles. While its widespread use has led to ambiguity, dignity remains essential as it represents both the essence of humanity and a fundamental human right<sup>ccxcv</sup>.

### **6.14 Right to marriage.**

Wedding is a culturally then legally documented union between persons' wives, establishing rights and responsibilities amongst them, their children, and in-laws<sup>ccxcvi</sup>. While marriage definitions vary across cultures and religions, it typically involves sanctioned interpersonal relationships, often sexual<sup>ccxcvii</sup>. In some cultures,

marriage must precede sexual activity. Marriage ceremonies are known as weddings, with private ones sometimes called elopements. Globally, there has been a push for equal rights and against discrimination for interethnic, interracial, interfaith, and same-sex couples, among others. Ongoing debates address issues like married women's legal status, marital violence, dowry practices, age for marriage, and sexual activity before or outside of marriage laws<sup>ccxcviii</sup>. Individuals engage in marriage for various details, counting legal, communal, emotional, monetary, and mystical factors educational. more<sup>ccxcix</sup>. Common-law marriages, valid by mutual consent but not formally recorded, bestow rights and obligations on the couple and sometimes relatives, establishing affinal ties<sup>ccc</sup>. Everyone of eligible stage is entitled to wed and establish a domestic, though this right is frequently contested when limited to heterosexual couples.

#### **6.15 Right to start a family.**

Starting a family is a transformative experience, but in today's culture of competing values, more couples are delaying or missing out on parenting<sup>ccci</sup>. The correct to domestic life recognized globally in various documents like It is guaranteed that family rights ties will be protected by both Article 16 of the Universal Declaration of Human Rights and Article 23 of the International Covenant on Civil and Political Rights.<sup>cccii</sup> Family ties are considered a question of fact, evaluated case by case<sup>ccciii</sup>. The European Court of Human Rights is a vital institution that helps protect the rights and freedoms of individuals across Europe. It plays an essential role in ensuring everyone is treated fairly and justly under the law, making it a key player in promoting human rights and safeguarding justice. Acknowledges societal changes and diverse lifestyles when defining family relationships<sup>ccciv</sup>, including same-sex partnerships since the 2010 Schalk and Kopf v. Austria case <sup>cccv cccvi</sup>. Domestic ties that have been formed can be disrupted<sup>cccvii</sup>. The ICCPR, effective from 1976 with 168 State parties <sup>cccviii</sup> as of May 2016, protects individuals' civil and political rights<sup>cccix</sup>, emphasizing the family's importance in Articles 17 and 23(1), safeguarding against unwarranted interference<sup>cccix</sup>.

## **6.16 Right to liberty and security.**

Every individual is entitled to liberty, except when judicially imprisoned. The state must inform those arrested of the reasons and charges in a language they understand, ensure prompt judicial proceedings, provide trials within a suitable timeframe or upon release before trial, and provide compensation for illegal arrest or detention<sup>cccxi</sup>. Torture or cruel treatment is prohibited without exception. No one can be prosecuted for actions that were not illegal at the time under national or international law<sup>cccxi</sup>. People whose human rights have been infringed can appeal to the State Court of Human Rights. Detained or incarcerated persons are permitted to least rights and must be brought to trial immediately.

## **6.17 Right to academic freedom.**

The Royal Spanish Academy defines an academy as a society with public authority focused on science, literature, or the arts professional, artistic, technical, or practical teaching establishment<sup>ccciii</sup>. Academic freedom allows teachers to instruct and students to learn without external interference, including engaging in social and political criticism<sup>ccciv</sup>. It ensures the ability to teach, study, and research without unreasonable restrictions. This freedom is crucial for academic inquiry and the mission of academia, protecting educators from repression or job loss for sharing inconvenient ideas<sup>cccvi</sup>. Historically, academics in medieval Europe and emerging nation-states faced repression for challenging church doctrine or government policies<sup>cccvi</sup>. Recent studies by David Audretsch and colleagues indicate a decline in academic freedom over the past decade, correlating with a 4% decrease in patent filings and linking academic freedom to economic growth through innovation<sup>cccvii</sup>.

## **6.18 Right to a fair trial.**

Fair trials are acknowledged globally as a foundational human right. They help establish the truth and are essential for all parties involved in a case<sup>cccviii</sup>. Equitable trials are crucial for democracy, fostering just societies and limiting possible government and state abuses of authorities. The state's power to arrest, prosecute, and penalize individuals is a significant responsibility that requires careful restraint, guaranteeing protections to safeguard the rights of those accused in the criminal

process<sup>cccxi</sup>. Suspected individuals deserve respect and compassion. If guilty, they should not be defined by their offense. A fair trial protects fundamental rights, ensuring equitable legal processes and criminal justice systems. The commandment of law requires uniform implementation of criminal laws, possibly necessitating special measures to allow some individuals a fair chance to present their defense<sup>cccxx</sup>. For example, interpreters may be needed for those who do not understand their rights, and children and vulnerable adults may require additional support to participate effectively in criminal proceedings<sup>cccxxi</sup>.

Courts must be impartial, independent, and established by law. Those responsible for pretrial detention decisions, investigations, and determining guilt and sentencing must be neutral and base their assessments on the facts. Amnesty International's work focuses on ensuring fair trials for prisoners of conscience, political prisoners, and cases where the death penalty may be imposed<sup>cccxxii</sup>. They report on legislation and procedures impacting fair trial rights, send trial observers to various countries, and mobilize support for prompt and fair trials for political prisoners. They also advocate for high fair trial standards for the Global Criminal Court, which handles killing, corruptions, against humankind, and war corruptions when national courts cannot or will not act<sup>cccxxiii</sup>. Anyone accused of a crime has the right to a public hearing by a neutral court within a sensible time. This includes the belief of blamelessness and vital privileges. Individuals should have resources to prepare their defense, access legal counsel, examine witnesses, and obtain free assistance from an advocate interpreter.

### **6.19 Right to personal development.**

The UN Declaration regarding the Right to Development establishes development as a right and seats people at the middle of the development process<sup>cccxxiv</sup>. It includes doings that develop a being's abilities and potential, enhance the quality of life (QOL), and assist in achieving dreams and aspirations<sup>cccxxv</sup>. QOL is defined by the World Health Organization as "an individual's perception of their position in life in the context of the culture and value systems in which they live and with their goals, expectations, standards and concerns"<sup>cccxxvi</sup>. Article 1.1 of the Declaration states: "The right to development is an inalienable human right by virtue of which every

human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." <sup>cccxxvii</sup> Additionally, Article 1.2 notes: "The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources."

There has been a global movement advocating for equal rights and opposing discrimination against interethnic, interracial, interfaith, and same-sex couples, among others. Current debates focus on various issues, including the legal status of married women, marital violence, dowry practices, the legal age for marriage, and laws regarding sexual activity before or outside of marriage. This encompasses both formal and informal initiatives designed to support individuals in diverse professions like mentor, coach, manager, advisor, counselor, or teacher, extending well beyond the scope of self-help. In institutional contexts, personal development encompasses the plans, initiatives, instruments, methods, and assessment frameworks employed to foster positive adult development on a personal level within organizations<sup>cccxxviii</sup>.

The right to individuality starts with life; persons can develop their individuality through existence. Since ancient Greece, humans have been seen as having a "soul," distinguishing them from mere physical beings' flesh<sup>cccxxix</sup>. Notwithstanding the intricate nature of individual identity, it is safeguarded and promoted through mechanisms of personality rights, privacy, and the entitlement to personal agency self-expression. The worldwide recognition of the development right that affords every person the chance to participate in and profit from economic, social, cultural, civic, and political rights. This right was acknowledged by the UN General Assembly in its 1986 Declaration on the Right to Development, which applies to both people and communities. After that, other United Nations resolutions and the 2015 2030 Agenda for Development confirmed it as an essential part of human rights generally<sup>cccxxx</sup>.

## 6.20 Right to Information.

The liberty of information signifies the correct to both publish then access information, closely linked with the ability to seek, receive, and share data. As outlined by UNESCO<sup>ccccxxxi</sup>, it embraces various knowledge forms, including scientific, indigenous, and traditional knowledge. It generates publicly accessible knowledge resources similar to the Internet and promotes open data standards, access. Key priorities include preserving digital heritage, fostering cultural and linguistic diversity, and promoting local content in accessible languages. Through the promotion of lifelong learning, the enhancement of e-learning, and the improvement of media and information literacy, the program seeks to advocate excellence in teaching. Disparities in educational attainment, gender, age, color, ethnicity, and accessibility for people with impairments are addressed via the process of online social inclusion. In conclusion, it promotes the implementation of cost-effective information and communication technology solutions, including mobile networks, the Internet, and broadband service infrastructure.<sup>ccccxxii</sup>.

Admission to administration info by the public, facilitated by open book and established freedom of info laws, is acknowledged as a fundamental component of democracy and governance integrity<sup>ccccxxiii</sup>. Liberty of info is inherently linked to liberty of countenance, encompassing various mediums such as spoken, printed, published, microelectronic, or creative forms. This suggests that safeguarding freedom of speech as a right involves protecting both its content and the methods of communication expression<sup>ccccxxiv</sup>.

## 6.21 Right to privacy.

Privacy means that people or groups can keep themselves or their information secret, which lets them share some of their self-expression.<sup>ccccxxv</sup> This domain overlaps with security, encompassing the correct handling and safeguarding of information. Privacy may also involve bodily integrity<sup>ccccxxvi</sup>. The concept has been explored by many philosophers over time, with historical roots in ancient Greek philosophy<sup>ccccxxvii</sup>. Aristotle famously distinguished between the public sphere (the polis) and the secluded compass (the oikos), representing political and domestic life,

respectively<sup>cccxxxviii</sup>. A fundamental component of many legal systems meant to prevent both public and private organizations from violating human rights, privacy is more than 185 national Constitutions include the right to privacy<sup>cccxxxix</sup>. On December 10, 1948, the United Nations General Assembly adopted the UDHR. Although the right to privacy isn't stated clearly, it is frequently interpreted in accordance with Article 12, which states: "No one shall be subjected to arbitrary interference with their privacy, family, home or correspondence, nor to attacks upon their honor and reputation<sup>cccxi</sup>. Everyone has the right to the protection of the law against such interference or attacks<sup>cccxi</sup>." Consequently, every individual is entitled to respect for their personal and family lives, residence, and communications, provided they abide by the law.

## **6.22 Personality rights.**

Character Traits rights, commonly recognised as the right of promotional, allow individuals to switch the profitable usage of their individuality, including their designation, copy, similarity, and other unique identifiers. Typically, these rights are careful stuff rights somewhat than personal rights. As such, they may survive the individual's death to variable extents, contingent on the jurisdiction<sup>cccxlii</sup>. Personal privileges, on the other hand, pertain to the rights individuals have over their own bodies. This includes protections against assault and battery, safeguarding one's reputation and honor (protected by defamation laws), and legislation protecting individual privacy and freedom of movement<sup>cccxliii</sup>. The concept of the humanoid "right to privacy" originates in the 12th century. Initially, the Latin term meant "what is fair" but evolved to represent "a right—an individual's entitlement to control or claim something." This transformation is evident in the *Decretum Gratiani* in Bologna, Italy<sup>cccxliv</sup>. On a worldwide scale, organizations such as the GCHQ, R&AW, CIA, FBI, and NSA conduct extensive monitoring. The current arguments center on the following topics:(1) if dangers warrant public monitoring of the population;(2) whether private rights can coexist with intelligence access to personal lives; and(3) whether the social compact for security against terrorism requires privacy to be surrendered.<sup>cccxlv</sup>. The private sector, specially technological companies like Yahoo,

Microsoft, Google, Amazon, Apple, and Meta, poses threats to privacy by collecting and utilizing personal data.<sup>cccxlvi cccxlvii</sup> .

### **6.23 Right to reject citizenship.**

Renouncing citizenship involves voluntarily giving up one's citizenship, standing in contrast to naturalization, where an individual voluntarily acquires citizenship<sup>cccxlviii</sup>. It is distinct from denaturalization, which involves the state revoking citizenship. Historically, the common law principle of perpetual allegiance underscores the unwavering obligation individuals have to their sovereign authority, asserting that one cannot simply abandon their duties and loyalty. Common law, developed by judges and quasi-judicial tribunals through written opinions, maintained that subjecthood bonds were singular and immutable<sup>cccxliv</sup>. These practices persisted until the late 19th century<sup>ccccl</sup>. The practice of recruiting American citizens who were born in the United Kingdom into the Royal Navy was one of the factors that contributed to the outbreak of the War of 1812. When people who had immigrated to the United States went back to their home country, they were often required to fulfill duties that were associated with their previous place of origin.<sup>ccccli</sup> As a response, the US government enacted the Expatriation Act of 1868 and established a number of Bancroft Treaties, which acknowledged the right to renounce citizenship<sup>ccccli</sup>.

### **6.24 Rights of children.**

Youngsters' rights constitute a specific area of humanoid rights, emphasizing the special protection and care required for juveniles need<sup>ccccliii</sup>. The 1989 Convention on the Rights of the Child (CRC) defines a kid as "any human being below the age of eighteen years unless under the law applicable to the child, the majority is attained earlier." <sup>ccccliv</sup> These rights consist of connecting with both parents, establishing a human identity, and fulfilling basic needs such as physical safety, nutrition, access to education funded by the state, healthcare, and criminal laws suited to one's age. Additionally, they protect people from discrimination on the basis of race, gender, sexual orientation, gender identity, national origin, religion, handicap, color, ethnicity, or additional traits. They also provide equivalent safeguards under the civil rights laws. The United Nations Committee on the Rights of Children<sup>cccclv</sup>, made up

of eighteen independent experts, oversees the convention's implementation by ratifying countries<sup>ccclvi</sup>. Governments must consistently report to and present before the committee to assess their advancements in upholding child rights. The reports and written observations from the committee can be found on its website<sup>ccclvii</sup>.

### **6.25 Rights of debtors.**

Debts typically result from failing to adhere to a contract with a creditor. Consumer debt agreements are generally enforceable, but business debts need to be in writing. Debtors are those who owe money. Failing to pay debts is usually not a crime, except for court-ordered debts and taxes. Debtors can prioritize payments, except in bankruptcy<sup>ccclviii</sup>. The validity of U.S. public debt is unquestionable, except for debts related to insurrection, which are void. Bankruptcy law is intricate, with debtors facing property loss and creditors dealing with minimal repayment<sup>ccclix</sup>. Bankruptcy proceedings restrict rights compared to non-bankruptcy situations<sup>ccclx</sup>.

### **6.26 Right of revolution.**

In political science, a revolution refers to a swift and substantial change in the class, state, ethnic, or religious framework of a society's structures according to sociologist Jack Goldstone, all revolutions have three main components: attempts to overthrow the current political order via conflicting ideas about what justice is, large-scale public mobilization, and non-institutional acts including rallies, strikes, marches, and acts of violence.<sup>ccclxi</sup> Revolutions in history have differed in their methods, lengths, and outcomes<sup>ccclxii</sup>. Some initiated with peasant revolts or guerrilla combat in rural areas, while others commenced with city uprisings targeting the capital city<sup>ccclxiii</sup>. Revolutions may arise from several sources, including political ideologies, ethical convictions, or governance frameworks such as human rights, democracy, nationalism, republicanism, equality, self-determination, liberalism, socialism, and fascism.<sup>ccclxiv</sup>

In political philosophy, the right of revolution refers to the people's authority or responsibility to "alter or abolish" a government that jeopardizes their collective interests or endangers their safety without valid reason. This principle has validated several historical revolutions, such as the American, French, Russian, and Iranian

revolutions<sup>ccclxv</sup>. The Declaration of Independence and the concept of a right to revolution became less significant in the US following the adoption of the Constitution, and they fell out of favour by the early nineteenth century<sup>ccclxvi</sup>. The right to revolution is a natural right, not one expressly granted by a constitution. It would be illogical for a composition to permit challenges to its own expert. Nonetheless, recognizing the right to rebellion in the introduction, similar to the Pennsylvania Constitution of 1776, would not have been unreasonable<sup>ccclxvii</sup>.

## 6.27 Right to Life.

The belief in the right to life that others should not kill individuals. This principle is central to debates on capital punishment, where many see the practice as immoral, and on abortion, where some view the termination of a foetus as unjust<sup>ccclxviii</sup>. Euthanasia, the act of intentionally ending life to relieve pain, also raises questions about this right<sup>ccclxix</sup>. Similarly, the ethics of meat consumption involve the rights of animals, and killings by law enforcement spark debates over the infringement of individuals' right to live. Abortion debates often underscore the right to life, supported by moral and religious beliefs, arguments<sup>ccclxx</sup>. Established in 1967, the National Right to Life Committee (NRLC) spearheads initiatives opposing abortion. Meanwhile, the moral implications of eating meat have been a subject of ongoing debate, centering around the ethics of its consumption of animals<sup>ccclxxi</sup>. Fundamentally, everyone has a right to live without facing unlawful killing, except in self-defense or defending another. Governments are responsible for investigating suspicious deaths and preventing unnecessary loss of life.

## 7. Amendments in State's Constitution

An amendment refers to changing or correcting a rule or text, including a constitution, through governmental or legitimate procedures. In the U.S., this characteristically relates to changes to the U.S. Constitution. These amendments can be submitted by a majority of two-thirds in both the Senate and the House of Representatives, or employing a convention on constitutional law that is requested by two-thirds of the state legislatures. In the future, the states must ratify an amendment by three-fourths (38 out of 50)<sup>ccclxxii</sup>. Rigid constitutional restrictions make particular

revisions difficult or unfeasible, often requiring a referendum, a supermajority, or a minority party's consent<sup>ccclxxiii</sup>. A Constitutional amendment essentially alters a political entity's constitution, organization, or similar entity. Here, a polity refers to a collective group with an organized identity, structured through politically institutionalized relations, and able to mobilize resources effectively<sup>ccclxxiv</sup>.

Constitutions often include provisions that protect their most basic principles from being abolished, even though amendments<sup>ccclxxv</sup>. Constitutional amendments typically need a supermajority's consent, a referendum, or both. For example, a majority of two-thirds in both Diet chambers and a simple majority in a public vote are required to amend the Japanese Constitution. An amendment in the United States must be ratified by three-quarters (38 out of 50) of state legislatures and get a two-thirds of the vote in both Congress chambers. Changes can also occur through court interpretations of the Constitutional text. Given the high threshold for amendments, judicial decisions can be as crucial as formal amendments in revising Constitutions.

Constitutional amendments can be either integrated into existing sections, altering the text, or added as supplemental changes, modifying the government's framework without changing the existing text<sup>ccclxxvi</sup>. Changing legislation generally requires a more demanding process than standard laws, such as the need for supermajorities in the legislature, direct voter approval through a referendum<sup>ccclxxvii</sup>, or a combination of special procedures. In some areas, a referendum for Constitutional amendments can be initiated by popular initiative, where the electorate votes directly on a proposal, law, or political issue<sup>ccclxxviii</sup>. Votes that exceed half of the total cast are termed majority votes ordinary<sup>ccclxxix</sup>, with supermajorities usually defined as three-fifths (60%), two-thirds (66.67%), and three-quarters (75%).<sup>ccclxxx</sup> The US Constitution has undergone only 27 amendments since its creation in 1787, which includes the initial 10 amendments referred to as the Bill of Rights<sup>ccclxxxi</sup>. Thus, amendments must wield considerable influence, shaping the entire country or its populace, and safeguarding citizens' rights<sup>ccclxxxii</sup>.

## **8. Ensuring Human Right to Write, Reform or Amendment of State Constitution**

Human rights serve as the foundation of the constitutional framework in modern nations. They define the interactions among individuals, communities, and the

government, influencing both governmental structures and the processes used for making decisions. Thus, human rights law is integral to modern Constitutions. Gaps in human rights implementation often stem from flaws in Constitutional law. Beginning with the adoption or modification of a constitution is the first step in establishing a connection between human rights and a democratic constitutional framework. Positive outcomes rely on extensive community involvement, allowing individuals to express their views openly and communicate without barriers. It is essential to consider their opinions through transparent processes, backed by fair and unbiased oversight. Cultivating these circumstances is necessary to uphold principles for freedom of expression, assembly, speech, media, and association.

Human rights and essential liberties are vital for ensuring fairness and justice in a functioning modern state. Community bureaucrats must be held accountable for actions inconsistent with the Composition, which ultimately guarantees individual and collective privileges and liberties. As the highest law, the Components shapes society and the state, ensuring stability and defining relationships between the state and its citizens. Constitutions provide political and social stability during unstable times, acting as peace plans in post-conflict situations to prevent tensions and conflict recurrence through democratic institutions and rights protection. In democratic transformations, Constitutions introduce political and social changes. The UN's policy on Constitutional reforms acknowledges the importance of these processes in democratic transitions, peacebuilding, and state-building.

Constitution-making involves drafting new constitutions or reforming existing ones, emphasizing the importance of both process and substance. The creation and evolution of a constitution are crucial for facilitating peaceful political transitions, consolidating post-conflict peace, and preventing future conflicts. These moments offer opportunities to establish a cohesive vision for a state's future, resulting in significant and lasting impacts on peace and stability. The Secretary-General's leadership note on composition-making asserts that the UN should provide expertise and resources to assist in these processes when national or transitional authorities request it. The Office of the UN High Commissioner for Human Rights (OHCHR) is crucial in this effort. This publication, developed with UN agencies and partners,

equips UN staff and international actors with tools for constitutional reform. The guidance emphasizes that support may include advice on international human rights agreements and responsibilities related to new constitutions and states.

Constitution making consists of creating and endorsing a new Constitution. In contrast, constitutional revision involves a detailed examination and alteration of the Constitution, potentially resulting in a primarily new document. In contrast, constitutional amendments aim to change particular provisions or to add or eliminate sections of the current Constitution. These procedures help ensure that the Constitution stays relevant and current, accommodating society's changing needs and values<sup>ccclxxxiii</sup>.

Constitutional reforms usually entail modifications to established Constitutional laws and practices. Such reforms become crucial when the existing frameworks are insufficient and obstruct the state's effective operations, or when it is necessary to address conflicts or restore state structures disrupted by internal strife or external aggression. As a result, reforms in constitutional law take place in various scenarios: moving from autocracy to democracy, rebuilding after conflict to ensure lasting peace, or advancing initiatives that foster social justice within established systems, such as democracies<sup>ccclxxxiv</sup>.

Constitutional reforms aim to transform the state system by founding or modifying the Composition and connected lawgiving, including laws, concerning essential national institutions, human rights, important freedoms, and democratic regulations. For these reorganisations to succeed, they must be transparent and inclusive, embrace key democratic morals, and defend fundamental liberties and human rights. Therefore, it is essential to consider the following when thinking about Constitutional reform questions:

- What kind of Constitutional reforms are planned? This involves understanding the proposed changes, such as amendments, revisions, or creating new Constitutions. These changes can target various aspects, including the structure of government, human rights, and electoral laws.

- What is the ultimate objective of the changes in Constitutional law? This involves identifying the goals of the reforms, such as enhancing democratic governance, ensuring political stability, promoting social justice, and protecting human rights.

Constitutional law is a powerful tool, and its design and implementation are critical. By answering these questions thoughtfully, we can ensure that Constitutional reforms strengthen modern democratic states and foster a fair, just, and stable society.<sup>ccclxxxv</sup>

Democracy is a system where the people of a state hold sovereignty and the authority to rule, either personally or indirectly, through representatives. Participation refers to the involvement of citizens in creating, managing, and monitoring public policies and programs, either directly or via elected representatives. The foundation of a contemporary constitutional state is democracy, human rights, and the rule of law. Contemporary democratic states typically establish the following:

- Representative democracy (sometimes combined with direct democracy)
- Division of power with checks and balances between the executive (government) and the legislative (parliament), as well as the judiciary's independence
- Rule of law code
- Responsibility and accountability of office holders

Contemporary Constitutions have evolved to humanize governance, placing individuals and groups at the center. This goal is realized by weaving a Bill of Rights and essential liberties into the very fabric of the Composition, ensuring that these principles are at the heart of our governance. This approach ensures that the Constitution goes beyond regulating institutional relations and procedural processes, embodying the principles that make up a fair and just society.<sup>ccclxxxvi</sup>

A constitutional system with separation of powers allocates responsibilities among government branches (horizontal) and across levels (vertical). Recognizing the existence of discrete linguistic, religious, ethnic, or national groups is the purpose of this vertical divide. Using checks and balances, horizontal separation prevents any

branch from acquiring undue influence. Governance must guarantee that all people, and public and private organizations, including the state, are subject to laws that have been declared in public, that they are consistently enforced, and that they are independently adopted in accordance with the UN Secretary-General's Approach to Rule of Law Assistance (April 2008), which is based on international human rights norms. This calls for respect for the rule of law, equality, responsibility, equitable legal clarity, participation in decision-making, separation of powers, and application of the law, avoidance of capricious behavior, and openness in rules and processes.

Openness involves public exposure and transparency in government policies, standards, and choices. Relevant information should be available. Every government agency and official must follow the Constitution and laws in a democracy. Officials must respond to their constituting bodies under constitutional political responsibility. Constitutional or legal processes including political or legal measures and responsibilities must hold public authorities responsible for malfeasance. Laws of rights regulate and proclaim fundamental values like human dignity, freedom, equality, equity, and justice. Constitutional rights protect vital interests of individuals, including health, housing, personal security, and participation in public affairs. The development of Constitutionalism has evolved from focusing on the institutional dimension of state organization to emphasizing the well-being of individuals and groups.

Since most contemporary conflicts are internal, addressing the sources of human rights violations promptly and effectively can dramatically reduce their number and mitigate human suffering. Constitutional reforms are essential tools in this respect. Laws of rights and related mechanisms are especially important in societies torn by conflict and those facing developmental challenges. They help determine which values should be protected when interests conflict and how to balance these values with the majority's will and minorities' rights. A well-drafted and respected constitution evolved through history, acts as a protective umbrella for individuals and underpins a harmonious, democratic society. Certain constitutions prioritize the individual-state relationship by detailing the state's responsibilities rather than highlighting individual rights.

Incorporating human rights into the legal framework and organizational structures is crucial during the Constitutional reform. Depending on the situation, specific laws related to Constitution-making or amendments may be put in place, or relevant norms from the existing Constitution may be utilized. Usually, when the reforms are narrow in focus, they are often assigned to the parliament. However, special arrangements are frequently made for drafting a new Constitution or large-scale revisions, such as forming a Constitutional commission that includes various social actors to draft the Constitution. The Secretary-General's guidance on creating a constitution provides vital insights on processes, timelines, and sequencing for formulating a new Constitution. Each situation is unique and should be approached accordingly. There is a emphasis on those parts of the procedure with significant human rights implications. The human rights-based approach methodology can also offer helpful guidance when designing the writing/reform process.

For Constitutional reforms to succeed, they need support from various societal sectors. Examples show that reforms gain from public engagement and shouldn't be solely left to politicians, as shared ownership is vital. Different social actors' unique contributions are crucial. Recent trends in many countries highlight increased appreciation for public involvement in Constitutional reforms. The approach to public participation varies according to the constitutional traditions of a country, political situation, and the process itself. It's necessary to differentiate between drafting and adopting the Constitution. Voting by citizens for adoption has become more common. The three main modalities are:

- Adoption by referendum for discrete amendments, which is less frequent.
- Ratification of a constitution or modification that has previously been approved by parliament or a constitutional assembly in a referendum.
- Choosing options for essential Constitutional solutions by referendum before adoption by parliament or a Constitutional assembly, particularly for significant changes like the electoral system.

Constitution drafting should be organized to ensure input from various societal sectors is unobstructed and considered. This means setting up communication channels and organisational capacities. The process must encourage open and comprehensive discussions about Constitutional solutions across different societal groups. It is crucial that each segment of the constituency can participate, offer suggestions, and feel inspired to engage in this dialogue. Public participation should aim for optimized results, but overly complicated procedures can be manipulated, delay reforms, or obstruct the process. Thus, a strong organizational structure for public involvement is crucial to guarantee a seamless progression. In situations of conflict or tension, security risks should be addressed as they can limit consultations. A poorly designed participatory process can make reforms vulnerable, unrepresentative, and dangerous for participants.

The Human Rights and Constitution Writing/Reform Committee has affirmed that citizens' right to contribute to community businesses includes involvement in constitutional processes. This right is fulfilled when significant societal groups are represented and can take part. All democratic processes must respect and protect human rights. During elections or referendums, their conduct and outcomes may not always align with people's preferred options. Therefore, bodies organizing Constitutional reforms and other participating actors must prioritize the human rights environment. Special attention should be given to rights enabling communication, meeting, and organizing, such includes the rights of assembly, association, and freedom of expression. To empower participation, the state must effectively protect these rights against any interference from public or private actors. Additionally, the portrayal of individuals with disabilities and stayers of widespread human rights abuses must be considered, as their rights and proposed policies are often reflected in draft Constitutions.

There should be procedures to enable individuals who feel marginalized or believe their rights have been infringed to seek remedies. Some countries have adopted specific laws to govern the Constitutional reform process. If the political environment respects human rights, such laws may focus solely on process arrangements. Incorporate guarantees of human rights, legal remedies, and complaint

structures. The basis for constitutional change based on international human rights should define drafting processes and content to address groups needing legal protections. Ensure robust representation of these groups in discussions before adopting or amending the Constitution. Involve all groups, including women, children, ethnic and religious minorities, indigenous peoples, refugees, displaced individuals, scientists, technologists, labor representatives, business members, human rights advocates, legal professionals, and the media, considered.

International norms for human rights arise from the General Assembly's treaties, agreements, and resolutions. Non-binding instruments, called "soft law," exert significant moral and political influence, shaping national legislation and practices. Agreements on human rights reference soft law in interpreting conventions. As of the 10th of January in 2018, 169 countries have confirmed their acceptance of the International Civil and Political Rights Covenant, while 166 countries had accepted the Economic, Social, and Cultural Rights International Covenant. 196 countries acknowledged the Convention for the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child was approved by 189 countries, and 179 countries supported The Convention on the Elimination of All Forms of Discrimination Based on Race. By approving these treaties, states commit to aligning their laws and practices with these standards, including constitutional law. National lawmakers should be guided by international human rights standards, using them as benchmarks for evaluating domestic legal measures. States must ensure that domestic laws conform to these standards, as defined in the UDHR and other international treaties. The impact of global human rights measures on domestic systems originates from the supremacy of international law. Highlighting international standards at the national level is vital for safeguarding human rights, especially when domestic laws are in conflict, and addressing any required legislative gaps.

In a democratic state, laws are expected to reflect and protect the society's values and ideals, particularly in a Constitution's Bill of Rights, which should express the fundamental values relevant to individuals and groups. For a Bill of Rights to gain broad public backing, it must be created with contributions from all sectors of

society. However, the majority's opinion should not override the human rights of minorities or individuals. Drafters must weigh different options carefully and offer clear, accessible explanations for all social group actors. According to international human rights law principles, a Bill of Rights must take measures to remove discrimination and social exclusion. The Universal Declaration of Human Rights emphasizes the many grounds for discrimination, including but not limited to race, color, sex, language, religion, political convictions, national or social origin, property position, birth, and other factors. Additionally, disability is included on this list as a result of the Convention on the Rights of Individuals with Disabilities. Furthermore, reasons like conviction, ethnic origin, age, marital status, and economic standing are included in the International Convention on the Protection of the Rights of all migrant workers and their Families. These are all examples of categories that are incorporated into the convention.

Multiple human rights treaty authorities have declared that discrimination based on sexual orientation and gender identity is not acceptable, even though this is not directly included in the nine primary human rights treaties. Many modern Constitutions now encompass a greater number of grounds for prohibition than those specified in the Covenants, two related treaties, and the Universal Declaration of Human Rights. In the drafting phase, incorporating diverse perspectives in Constitutional discussions is crucial. A Bill of Rights must align with ratified human rights treaties and strive for higher standards. The global declaration of Human Rights should serve as a benchmark. Although International human rights treaties do not bind all countries, they remain the best legal framework for safeguarding rights and should be considered an ideal by non-ratifiers. Drafters must ensure the Bill of Rights meets international standards and avoid ambiguous language. Ultimately, it should promote compliance with international human rights principles.

Constitution drafters often face conflicts between international human rights standards and local culture. Practices that harm individuals, like female genital mutilation, should be outright banned by the Constitution and legally prohibited. This constitutional reform is a chance to harmonize customary laws with international human rights values, making this a Constitutional goal supported by educational and

promotional efforts. Customary regulations that go against international human rights standards ought to be outlawed by the Constitution. A major difficulty is balancing the extent of constitutional freedoms and rights. Drafters often grapple with making the Constitutional language clear and comprehensive or general and open to interpretation. Finding the appropriate balance is crucial. A comprehensive Bill of Rights should protect individuals and groups' essential human and fundamental rights without being overly technical and inaccessible to the public. A balanced, cautious approach is generally advisable.

A comprehensive Bill of Rights should set out and constitutionally protect individuals and groups' essential human and fundamental rights. However, striving to achieve this goal shouldn't lead to an overly technical Constitution that is difficult for the general public to understand. A balanced, cautious approach is advisable. Given the diversity in legal traditions, cultures, and historical experiences, it's an internationally applicable Bill of Rights. Due to the diversity in national traditions, the Bill of Rights should include only a few essential rights: those indispensable for protecting human dignity and personal development, those establishing the framework for public participation, those protecting socially acceptable personal income and economic interests, and those providing the legal basis for key social and cultural services.

The integrity of a Bill of Rights must be safeguarded through its thorough implementation, determination: protecting human dignity. However, applying Constitutional rights in concrete situations can lead to tensions. For example, there is the age-old conflict between the rights of the majority and those of the minority, between the right to health care and the need for everyone to have access to it, and between the right to free speech and the need to prevent incitement to violence. The law is rife with practical tensions, particularly regarding transitioning bills of rights from enumeration to implementation. Using vague Constitutional language to avoid these problems might satisfy stakeholders but shifts the burden to other entities, mainly the courts. Therefore, drafting a constitution with precise language is advisable to minimize implementation tensions. Even with optimal language, law can provide arguments for conflicting interests. While the Bill of Rights should support

harmonized implementation, ultimate coherence between rights is achieved through legal procedures that safeguard these rights and address conflicts of interest.

Those who draft a Bill of Rights frequently encounter pressure from different groups, including constituents, to commit to more than is possible. While yielding to such weights may be politically attractive, popular support for a provision cannot come at the expense of the Constitution's credibility. Unrealistic proclamations of rights undermine the value of both the Bill of Rights and the Constitution. Two key queries on enforcing a Bill of Rights arise: the essential content of Constitutional provisions and acceptable restrictions on their rights. This is a sensitive issue in human rights, as society's interests must be recognized and respected. At times, limitations on rights can be unavoidable. Only a few rights, such as the prohibition of torture, must be guaranteed without constraints. It is crucial to distinguish between the inherent limitations of rights and those established by evaluations from state authorities' limitations, such as respecting others' rights and the law, which prevent rights from leading to anarchy. Even if not explicitly mentioned in treaties or bills of rights, these inherent limitations are implied, as one person's enjoyment of rights should not infringe on another's. This is a personal responsibility matter.

The basic principles of modern bills of rights are frequently spelled out in detail, usually conforming to clauses in the global declaration of Human Rights and the International Covenants on Human Rights, which establish fundamental concepts like equality, freedom, and human dignity. Bills of rights can also be influenced by significant human rights treaties, including the consideration of a child's best interests as mentioned in the Convention on Children's Rights. The core principles outlined in a constitution can vary based on a nation's cultural and legal traditions. Bills of rights generally define the principle of freedom by listing individual liberties, which include freedom of religion, freedom of conscience, freedom of thinking, and freedom of expression, along with the freedom for gathering and association. Furthermore, many constitutions emphasize the essential principle of freedom. International human rights law is based on equality and non-discrimination, as evidenced by key human rights treaties. The proscription of discrimination serves as a crucial element of equality, typically articulated as a separate principle in

international agreements and constitutions. International human rights law distinctly lays out the necessary standards.

The International treaty on Civil and Political Rights characterizes discrimination as any distinction, exclusion, limitation, or favoritism based on factors including color, race, gender, religion, language, political or other opinions, national or social origin, property, birth, or similar status. Such discrimination aims to undermine or obstruct the acknowledgment, enjoyment, or practise of rights and freedoms equally<sup>ccclxxxvii</sup>. Integrating equality and non-discrimination clauses into a national Constitution is broadly acknowledged, yet it necessitates careful selection of wording. The equality principle is fundamental to contemporary Constitutions, often expressed in a section focused on the State's general principles or the Bill of Rights. Non-discrimination requires States to eliminate both formal and substantive discrimination. Formal discrimination is confronted by ensuring the Constitution prohibits discrimination based on specified grounds, such as guaranteeing equal rights for women and men. Substantive discrimination is addressed through the prohibition of discriminatory practices. States must take measures to eliminate stereotypes, conditions, and attitudes that perpetuate discrimination.

To address inequality, a constitution must integrate the concept of "non-discrimination." States are encouraged by the Committee to End Discrimination Against Women to incorporate this definition in their Constitutions. Most modern Constitutions guarantee equality and non-discrimination while specifying these principles in various contexts. Many align with the interpretation of equality, requiring states to enable all individuals to exercise their rights through laws and policies that address inequalities. Achieving genuine equality often involves offering temporary benefits to historically marginalized groups. This approach seeks to eliminate barriers to human rights and promote equality faster.

The Universal Declaration of Human Rights and key international human rights treaties commonly guide national legislators. Nevertheless, a constitutional assembly isn't required to follow the rights specified in these documents and treaties, some rights may be historically extraneous, such as the prohibition of slavery or penalties for failing to meet contractual obligations. States must find ways to articulate and

protect universally recognized human rights in their constitutions. Those involved in drafting constitutional reforms can benefit from the insights and feedback of committees that focus on fundamental human rights standards. Civil rights and freedoms uphold essential aspects of life, liberty, privacy, personal safety, and dignity while ensuring procedural protections. The UDHR endorses property, asylum, and nationality rights. However, these rights were not incorporated into the International Civil and Political Rights Covenant due to differing viewpoints. Given the evolving landscape in constitutional and international law, those engaged in constitutional reform should consider including these rights. Additionally, the right to intellectual property protection found in other global treaties should be reviewed by drafters.

Modern Constitutions affirm freedoms related to political parties, recognizing their essential role in a state's political structure. They protect the rights to form, join, and leave parties while ensuring these entities operate independently. Constitutions also typically prohibit parties from actions conflicting with democratic principles. Political rights in international agreements often underpin those in rights bills. Some Constitutions try to address political disputes among social or ethnic groups, but resistance exists to incorporating these rights into law. Certain rights are defined in legislation. In some countries, economic, social, and cultural rights are absent from Constitutions, which detail state obligations towards social issues instead. This creates a perception of individuals as mere beneficiaries of services rather than rights holders. Different legal frameworks and interpretations yield diverse Constitutional systems. Nonetheless, many recent Constitutions include the Bill of Rights, which includes every type of right.

In contrast to civil and political rights, economic, social, and cultural rights must be taken into account when drafting a Bill of Rights. The realization of these rights significantly depends on the capacities of the state, necessitating constitutional assemblies to proceed with caution in formulating norms within this domain. Devising effective strategies to address economic, social, and cultural challenges without making excessive promises is imperative. Drafters should remain cognizant of diverse normative perspectives regarding these rights and act accordingly. If the capacities of the state permit, priority ought to be given to establishing enforceable

rights and freedoms. Nevertheless, dismissing an issue solely due to present constraints is imprudent. For instance, if declaring a legal right to decent housing is currently unfeasible, the constitutional assembly should explore alternative methods, such as delineating a state obligation or policy. This strategy can facilitate progress and ensure governmental accountability. Adopting such constitutional language can pave the way for future recognition of claimable rights as resources become accessible. Implementing numerous economic, social, and cultural rights may require a progressive approach, as specified in the Economic, Social, and Cultural Rights International Covenant. In contrast, the International Civil and Political Rights Covenant allows for limitations on specific rights, including freedom of movement, public trials, freedom to practice freedom of expression, assembly, and association, as well as religion or beliefs. However, such restrictions are not permissible for other rights except under extraordinary circumstances.

Human rights inherently include the notion of responsibility. Freedom is not just anarchy; it involves the obligation to honor other people's liberties and rights. A base level of responsibility is essential to genuinely appreciate personal rights and freedoms. Each person is both a rights holder and a duty bearer, highlighting our collective responsibilities to family, community, and the state. While many responsibilities are ethical, such as caring for family members, some have become legal requirements in different jurisdictions. For example, parents are legally required to support their children until they become adults; likewise, in some regions, adult children might have a legal obligation to care for their elderly parents. The UDHR recognizes individuals' duties toward their communities and emphasizes the community's role in promoting individual growth. Additionally, parents or legal guardians are required by the Convention on the Rights of the Child to provide for the raising and development of the child by providing essential living conditions and resources.

International human rights treaties usually refrain from highlighting specific individual duties. They broadly and specifically address duties, aiming to reconcile individual rights and responsibilities. Many countries incorporate essential duties to the State or community in their Constitutions, often focusing on law respect, tax

payment, and national defense. Some Constitutions expand on this list, depending on societal traditions and experiences. These texts commonly include legal and ethical duties. Countries in transition often stress Constitutional declarations of citizens' responsibilities to the State. In contrast, some States rely on ordinary legislation to frame individual duties, with Constitutions remaining silent on this aspect.

Constitutions often differentiate between the duties of all individuals under the state's jurisdiction and those of its citizens. When this differentiation exists, a constitution may impose duties related to the citizen-state relationship only on its nationals. The complete realization human rights necessitate a supportive social environment and assurances for their safeguarding. This is reflected in the Human Rights Declaration. Includes rights that promote a stable social order and provide procedural guarantees to protect these provisions. A democratic Constitution plays a key role in establishing such an order. Therefore, Constitutional reforms must enhance the protection of democratic governance and human rights and ensure the practical implementation of adopted reforms. Political elites and civil society must remain determined to establish new foundations beyond the signing ceremony. Enforcing the Constitution requires institutional safeguards, legislative actions, capacity building, and continual involvement from civil society vigilance. Every public official, whether nationally and locally, are responsible for upholding and implementing the Constitution, including its Bill of Rights. The specific tasks and duties differ based on their Constitutional roles—legislative, executive, or judicial. When crafting a constitution, it is crucial to consider essential institutional and procedural safeguards for rights and freedoms. Individuals or groups who assert their rights or defend against violations primarily interact with local public authorities, which oversee water supply, public order, safety, social services, and freedoms related to assembly and association. Therefore, Constitutions should contain provisions that mandate all state and local government actors to protect and implement the Bill of Rights.

Human rights and democracy are intrinsically linked. In authoritarian regimes, human rights cannot be adequately safeguarded because state actions lack judicial, legislative, or administrative oversight institutions. Democratic institutions and due process in judicial and administrative procedures are vital for creating a

Constitutional framework that supports human rights. The division of powers in the state should ensure that parliament, as the representative of the people, plays a central role, and this division plays a crucial role in shaping legislation while safeguarding the independence of our judicial system, ensuring that justice remains impartial and fair., which is critical in protecting Constitutional rights and freedoms. Divided power ensures that the executive, legislative, and judiciary operate within their Constitutional mandates, preventing the build-up of authority that leads to arbitrary state actions. Although the separation of powers is rarely stated explicitly in Constitutions, the placement and competencies of the legislative, executive, and judiciary ensure their autonomy and prevent power concentration. In countries undergoing democratic transformation, there is often a desire to include these principles clearly in the Constitution.

Parliaments are essential in defending human rights by enacting laws implementing constitutional rights and freedoms. Many Constitutions designate this responsibility specifically to parliaments, ensuring that elected representatives set legal norms. Additionally, parliamentary consent is often required to ratify critical international agreements, including human rights treaties. Parliaments are central to developing policies for implementing rights and serve as key supporters of national human rights institutions. Their oversight functions further reinforce constitutional rights. Specialized human rights committees have been created by several parliaments to engage with rights holders.

The Constitution typically ensures the independence of the judiciary from other state bodies. This principle is crucial within the division of powers. While the legislative and executive relationship can vary based on traditions and governmental forms, the judiciary must be independent to perform its duties. This independence ensures impartial court decisions, fair proceedings, and equal party treatment, which is essential for justice. Some Constitutions address the judiciary's independence as justice-administering bodies and judges' independence in their duties. Although these are aspects of judicial independence, it's preferable to articulate these guarantees separately. Specialized courts, including military ones, can pose risks to independent and impartial defendant treatment. The Human Rights Committee asserts that

military courts generally should not prosecute civilians except in specific, limited circumstances. Therefore, Constitutions should address the possibility of such judicial bodies to minimize risks to independence, impartiality, and fairness.

For a country to effectively implement its Bill of Rights, its laws must align with the Constitution. Thus, it is crucial to establish a mechanism for assessing the Constitutionality of laws. In many common law nations, courts can evaluate laws' Constitutionality in various cases. Other countries have specialized constitutional courts, while some delegate this task to the Supreme Court. Drafters must carefully consider the most suitable option for their situation. To ensure Constitutional stability and avoid hasty amendments, especially in transitional nations, "sunset clauses" can be employed, which cause certain legal acts or rulings to lapse after a specific date or event unless new legislation is enacted. For example, the Constitution of Nepal includes such provisions.

The judiciary is central to human rights guarantees, protecting individuals and groups from arbitrary state actions, including unlawful detention, expropriation without legal justification or fair compensation, and unwarranted denial of social benefits services. It offers an independent, competent, and impartial review and decision on cases, influencing public policies and legislation through judgments, especially from the highest courts of appeal or Constitutional courts. This role is crucial for reviewing the Constitutionality of laws. Public interest litigation and international human rights law emphasize access to courts, the right to appeal, and constitutional protection complaints. Human rights treaties emphasize deciding cases by a judge in criminal and civil matters. This is vital due to severe limitations on personal freedom or life, which should not rely on executive discretion.

The right to court access ensures that individuals can present cases involving their rights to a judicial body. This right includes civil and criminal law cases and evaluates the legality and substance of administrative decision elements. It is considered the utmost institutional safeguard for human rights and is frequently highlighted in contemporary discussions of Constitutions. These Constitutions detail elements related concerns the standing of judges, courts, and due process procedures to guarantee fair trials. Judges must be entirely independent in their decisions, free

from external influence. Constitutions often provide judges' immunity, irrevocability from office except for serious misconduct, and various forms of judicial autonomy to protect this independence.

Laws and judicial decisions outline procedural protections supporting due process, enhancing legal safety for individual groups. These guarantees uphold human rights and the constitutional state. A key protection against arbitrary actions requires a higher authority to review decisions impacting individuals. The right to appeal applies in administrative and judicial contexts and is crucial to the rule of law, even if some constitutions separate it. Judicial review of administrative decisions also falls under the right to appeal. Many modern civil law constitutions grant individuals the ability to lodge a constitutional complaint, asserting their rights before relevant courts. This procedure safeguards rights in a bill of rights, offering broad and narrow complaint models.

In countries with standard law systems, judges can assess the consistency of laws with the Constitution in individual cases, removing the need for a separate procedure. Many nations' Constitutions include the writ of habeas corpus<sup>ccclxxxviii</sup> to protect individuals from unlawful detention, allowing detainees to request court-ordered release. Public interest litigation brings individual and public interest issues to judicial review. A litigant is not required to have a direct interest in the outcome, known as “standing” or a “legal interest.” The crucial element is to show that the issue has considerable public interest and would gain from judicial review decisions. Public interest litigation aims for court decisions on issues that impact the public, especially when laws allow for different interpretations. Organizations frequently utilize this process to champion marginalized communities directly or by assisting others. Courts can provide rulings on particular matters, issue temporary orders in complicated cases, and appoint commissioners to monitor and report on the execution of these temporary measures.

Institutions of national human rights aligned with the Paris Principles are vital human rights defenders. They vary in legal status, composition, and functions, with examples like ombudspersons and National Human Rights Commissions. These entities must function independently of governmental authority, especially the

executive. They can recommend actions to state authorities, assess human rights violations, and address complaints from individuals or groups. In some countries, multiple organizations exist, and many constitutions include provisions to support national human rights institutions, ensuring their independence and outlining their roles. Constitutions should also provide a transparent process for appointing leaders and affirm the inclusivity of national human rights commissions across society.

In many nations, individuals can submit requests, proposals, or demands to government bodies, parliament, and central and local authorities, commonly known as the right to petition. This right offers an additional avenue, alongside access to judicial systems and national human rights institutions, for influencing governmental actions regarding human rights violations. Petitions generally lack a detailed procedure, and the petitioner's standing is not as strong as that of parties before independent state organs. However, petition addresses in many countries must respond within a set timeframe and provide information on any actions taken or planned. Individuals, NGOs, and civil society groups can use petitions to advocate for human rights-friendly legal and policy changes. The Internet and mobile technology have created new opportunities for public mobilization. Human rights law underscores accountability for violations and rejects impunity for perpetrators. It ensures victims' rights to remedies and reparations, often as compensation, and the right to the truth.<sup>ccclxxxix</sup>

The Universal Periodic Review, the Human Rights Council's Special Procedures, and human rights treaty bodies significantly influence Constitutional reform by offering various recommendations. These recommendations generally stress the importance of implementing and safeguarding human rights within the national framework. Drafters of national constitutions should refer to the guidance of these human rights mechanisms to address human rights issues effectively. This support can help create thorough constitutional provisions to protect and enhance human rights. International human rights law enforcement at the national level often faces challenges related to treating international treaties in domestic legal systems. Although global treaties typically hold greater importance than domestic legislation, not every state fully recognizes this. Despite a general agreement on the importance of international

agreements over national legislation, some argue that this precedence does not necessarily apply to the obligations of the state Constitution.

International treaties hold a position of supremacy, often taking precedence over the laws enshrined in national constitutions. Yet, a state party that harbors objections to a particular article or provision of an international human rights treaty before officially ratifying or acceding to it possesses the ability to navigate these waters. By expressing a reservation, the state can still align itself with international law, as long as this reservation does not undermine the fundamental essence and intent of the treaty.<sup>ccxc</sup> One of the crucial factors for states when implementing international human rights law is their adherence to monist or dualist legal traditions. The monist approach allows for the immediate application of international law in judicial processes, particularly when the rights in question are self-executing. This means that such rights can be directly enforced without additional incorporation into the nation's domestic legal framework. This characteristic is most often observed in civil law jurisdictions, where international treaties can have direct legal effect upon ratification.

On the other hand, the dualist tradition is the norm for most common law jurisdictions. Under this framework, International human rights treaties mandate a particular procedure for domestic legislation to incorporate them before they can be enforced. This necessitates legislative action, such as passing new laws or amending existing laws, to implement the rights specified in the agreement. As a result, a state may choose to ratify a human rights treaty and express its commitment to upholding those rights on an international level. However, if the relevant domestic legal measures are not adopted, the treaty provisions could remain ineffective and unenforceable within the domestic legal system. This distinction underscores the complexities involved in incorporating and enforcing international human rights laws, highlighting how domestic legal structures can significantly impact the realization of these rights for individuals within a state.

Monist and dualist traditions differ less than they appear. In monist states, many human rights treaties are not self-executing, requiring domestic laws to be implemented in courts. Even self-executing provisions may prompt states to further

enact more specific human rights legislation<sup>cccxcxi</sup>. Although it acknowledges that the International Covenant on Civil and Political Rights does not mandate it, the Human Rights Committee supports direct applicability. Additionally, the right to a remedy for human rights violations is essential. According to human rights treaty bodies, states are required to offer remedies for these violations to guarantee the adequate protection of human rights at the national level. Constitutions that enshrine this right have been welcomed<sup>cccxcii</sup>. Unrestricted access to international bodies and processes is vital for upholding human rights. However, domestic legislation and practices often prevent individuals from seeking international assistance when national protections are inadequate. A constitutional guarantee of such access is essential. Despite this, only a few constitutions acknowledge this right, as the significance of utilizing international resources for human rights protection has only recently come to light recognition.

## **9. Power Structure and Accountability in State's Constitution**

Constitutions determine the locus of sovereignty within a state, which can be categorized into three forms: unitary, federal, and confederal, based on the degree of centralization. However, these classifications are adaptable. In a unitary system, the state retains sovereignty as specified by its Constitution. The territory may then be divided into regions lacking sovereignty and directly governed by the state. For example, in the UK, parliamentary sovereignty, or parliamentary supremacy, consolidates ultimate authority within the legislature, granting it absolute power over all other branches of government, including the executive judiciary<sup>cccxciii</sup>. This body has the authority to alter or revoke any legislation without being restricted by written law or precedent<sup>cccxciv</sup>. Sovereign legislatures exist in countries like the UK, Jamaica, Sweden, New Zealand, Finland, and the Netherlands. Typically, amendments to the constitution necessitate a supermajority vote<sup>cccxcv</sup>. Authority has been transferred to Scotland, Northern Ireland, and Wales but not to England. Certain unitary states, like Spain, are devolving power to sub-national governments, functioning similarly to federal states<sup>cccxcvi</sup>. Federal states have a central authority with limited territory, primarily housing federal institutions, and various regions (states, provinces, etc.) form the entire state's territory. The division of sovereignty is between the central

government and its regions. Canada and the U.S. constitutions create federal systems that allocate power between the states or provinces and the central government, each possibly having its own unitary constitution.

A confederate state comprises various regions where most sovereignty lies within those areas, while the central authority plays a limited role in coordination. Confederations typically have rare constitutions, leading to ongoing discussions regarding their federal traits. In some cases, nations that haven't formed a federation may confer portions of their sovereignty to a higher authority via treaties and agreements. For instance, member states of the European Union have consented to adopt Union-wide policies, such as the metric system, which limits their overall autonomy and sovereignty<sup>cccxcvii</sup>. A state of emergency allows a government to implement measures beyond its usual authority to safeguard citizens. Such declarations can occur prior to, during, or following armed conflicts, pandemics, civil unrest, natural catastrophes, or other biosecurity hazards. Many constitutions authorize the declaration of a state of emergency in exceptional circumstances, often suspending certain rights and guarantees. Unfortunately, this provision can be exploited to suppress dissent and violate human rights. In France, three main provisions address various states of emergency emergency<sup>cccxcviii</sup>: Article 16 of the 1958 Constitution grants the president "extraordinary powers" during crises<sup>cccxcix</sup>, Article 36 governs the "state of siege," and the Act of 3 April 1955 permits the Council of Ministers to declare a "state of emergency."<sup>cd</sup>

In presidential and semi-presidential systems, the president has the power to appoint or dismiss department secretaries or ministers who are accountable to him<sup>cdi</sup>. The president is accountable to the public through elections<sup>cdii</sup>. A presidential system, often referred to as a single executive system, includes a president overseeing an executive branch that operates separately from the legislative branch, highlighting the importance of the separation of powers. This system was initially implemented in the UK<sup>cdiii</sup>. Cabinet Ministers are answerable to Parliament in parliamentary systems, while the prime minister holds the authority to appoint and dismiss them. The earliest recorded parliament was assembled in 1188 by Alfonso IX, King of León (Spain), comprising the three estates within the Cortes of León<sup>cdiv</sup>. In the UK and other

monarchies, the monarch selects and removes ministers according to the prime minister's recommendations. The prime minister must step down if Parliament loses faith in the administration. This loss of confidence can arise from a no-confidence vote or defeat in a crucial vote, such as the budget. When confidence is lost, the government continues to operate until a new one is established, which usually necessitates a general election.

Constitutions are typically safeguarded by legal institutions that interpret them and overturn any executive or legislative actions that contravene their provisions<sup>cdv</sup>. In countries like Germany, this role is fulfilled by a dedicated Constitutional court that exclusively handles this function. In Ireland, ordinary courts undertake this responsibility alongside their other duties. The United Kingdom, however, does not have the concept of declaring an act unconstitutional<sup>cdvi</sup>. A Constitutional violation occurs when a Constitutional court judges an action or legislative act to be in conflict with the Constitution. An example would be the legislature attempting to pass a law that contradicts the Constitution without following the proper amendment process<sup>cdvii</sup>. Constitutional courts primarily deal with Constitutional law and have the authority to rule on the constitutionality of challenged laws. The UK operates under parliamentary sovereignty, where the courts cannot question laws passed by Parliament<sup>cdviii</sup>.

## **10. Challenges to Implement Human Right in State's Constitution**

Human rights are globally accepted ethical standards that create expectations for how individuals should behave and are commonly safeguarded by both domestic and foreign legislation. The Universal Declaration of Human Rights outlines rights that are applicable to everyone, irrespective of location, nationality, ethnicity, or cultural background. These rights encompass legal, social, and ethical standards that guarantee freedom and equality entitlement<sup>cdix</sup>. Creating basic normative guidelines that outline what is allowed or owed to individuals, stemming from legal frameworks, social norms, or ethical perspectives. Rights represent crucial ideas in both law and ethics, particularly within justice theories and deontology<sup>cdx</sup>. Freedom is the ability or right to act, talk, and transform as one pleases without interference. It

is connected to freedom and self-determination, embodying the concept of self-governance or "giving oneself one's own laws."<sup>cdxi</sup>

The right to peaceful assembly, often closely connected with the freedom of association, represents the fundamental individual right to come together with others in a harmonious manner to express, advocate, promote, pursue, and protect common beliefs and ideas. In contemporary liberal democracies, this principle of freedom is highly valued, particularly in relation to the rights of free speech, religion, and the press. These freedoms are thought to be essential for a vibrant civil society, allowing citizens not only to voice their opinions but also to collaborate in the pursuit of shared goals and values, thereby fostering a culture of mutual understanding and respect.<sup>cdxii</sup> The freedom to come together and associate with others is celebrated as a fundamental human right, an essential political freedom, and a vital civil liberty. This right empowers individuals to unite for common causes, fostering collaboration and driving meaningful change in society.<sup>cdxiii</sup> The concepts of "freedom of assembly" and "freedom of association" differentiate between the right to assemble publicly and the right to join groups. Generally, freedom of assembly relates to the right to protest, while freedom of association pertains to labor movements rights<sup>cdxiv</sup>. The U.S. Constitution recognizes the rights to assemble and to join organizations. Similarly, Articles 37 and 38 of the Bangladesh Constitution ensure the freedom of association and assembly. <sup>cdxv</sup>

Italian political theorist Giovanni Sartori highlighted that some national Constitutions serve as a pretense for authoritarian regime's power<sup>cdxvi</sup>. These documents might assert a commitment to human rights or establish an independent judiciary; however, they can be ignored if the government perceives a threat, or they may never actually be implemented<sup>cdxvii</sup>. A notable instance is The Soviet Constitution, which appeared to endorse freedoms such as speech and assembly; however, individuals who exceeded informal boundaries encountered consequences of imprisonment<sup>cdxviii</sup>. The Soviet Constitution drew inspiration from the Russian Constitution of 1918, which was created by the Russian Soviet Federative Socialist Republic (RSFSR), a precursor and integral part of the Soviet Union. These Constitutions emphasized the Soviet Union's character as a socialist nation-state<sup>cdxix</sup>, the kinds of communal

property, a system of councils (soviets), and the direction of the working class for governance authority<sup>cdxx</sup>. Although they advocated for political, economic, and social rights consistent with Marxist-Leninist ideology, the reality was quite different.<sup>cdxxi</sup> This prompts somebody to consider if Russian citizens genuinely experienced human rights and freedom. Ultimately, this case demonstrates that the actual enforcement and advantages of a constitution hinge on the dedication of both the government and society to its principles, not just on its written text. A constitution can oscillate between being authentic and merely superficial as democratic and autocratic regimes come and go.

Advocates of a codified Constitution contend that it offers stronger human rights protection through defined legal frameworks and checks on government power. The Human Rights Act of 1998 incorporates the European Convention on Human Rights and partially codifies rights in the UK, but Parliament can still override it. A written Constitution would provide greater clarity and public understanding of constitutional matters, ensuring written checks and balances limit executive power. This would grant Parliament definitive control over the executive. On the other hand, an uncodified Constitution is said to support a strong, decisive government, offering flexibility and negating the need for fundamental changes. Written Constitutions can hinder effective government actions due to their rigid structures. The UK's unwritten Constitution, supported by longstanding conventions like prerogative powers, has operated without major problems for years. Additionally, a written Constitution could lead to the Supreme Court interpreting constitutional disputes, involving it in political issues despite being unelected<sup>cdxxii</sup>. An uncodified Constitution can adapt more readily to societal changes, as demonstrated by forming a coalition government after the 2010 general election.

## **11. Conclusion**

Constitutional guarantees of human rights embody a nation's highest law and are essential for ensuring protections and accountability. Fundamental rights create legal avenues for upholding, defending, and advancing human rights, especially with necessary enforcement mechanisms for peace, justice, and inclusive societies. An approach based on human rights is vital for UN development assistance, and the

urgency to integrate human rights into development initiatives has grown. Globally, democratic values face threats as governments respond to COVID-19, economic disruptions, and environmental issues. Society demands social justice and human rights for everyone, irrespective of gender, race, religion, or any status. The Sustainable Development Goals (SDGs) emphasize Constitutions in fostering lasting peace and justice, guiding states in social and economic development, poverty alleviation (SDGs 1-4, 7-11), gender equality (SDG 5), inequality reduction (SDG 10), environmental conservation (SDGs 6, 12-15), and promoting peaceful, just societies (SDG 16). Supporting Constitution making and reforms is crucial to the UN Development Programme's initiatives aligned with the 2030 Agenda and SDGs, emphasizing solutions for progress across multiple domains.

Democratic values are being eroded across the globe as governments wrestle with how to respond to any global crisis like war or pandemic, the global economic shocks created by such crisis and other economic forces, and the environment under attack. People are calling for social justice and human rights to be realized for all, irrespective of their sex, race, colour, language, religion or belief, political or other opinion, gender identity, national, ethnic or social origin, wealth, birth or other status. This analytical paper may consider as a compendium that transports useful and available advice for ensuing human rights in constitutions. Here all the provable rights one would expect to find in a democratic society have identified and which complies with international human rights norms and standards as well as describes the scope of each right and the different protections it seeks to afford. It also provides examples of the way the right has been translated into different constitutions, as well as references to the international treaties and standards that enunciate the right in a chronological order.

The history of human rights is intricate, with established rights often supplanted by systems diverging from their original Western foundations. Factors such as conflict, war, and cultural shifts can disrupt stable institutions. Historical notions of justice in law and religion are sometimes retrospectively recognized as human rights. Certain philosophers advocate for a secular social contract, while ancient traditions arrive at similar conclusions based on divine law. Citizens expect constitutions to safeguard

and endorse human rights. Drafters should include key components, such as an enumeration of protected human rights in a Bill of Rights or Charter of Rights, specifying how rights function, who benefits, and how they are enforced. Clear guidelines must outline limitations on rights and ensure protection during crises. Systems for public advocacy and oversight, including an independent judiciary, are essential. Democratic institutions must uphold rights, which encompass the opportunities necessary for human survival. The state is responsible for ensuring access to fundamental rights, despite facing both internal and external challenges sources.

## References:

---

<sup>i</sup> Weisstub DN "Honor, Dignity and the Framing of Multiculturalist Values" in Kretzmer D and Klein E (eds) *The Concept of Human Dignity in Human Rights Discourse* (Kluwer Law International the Hague 2002), accessed on 02 Sep 2024

<sup>ii</sup> <https://courses.lumenlearning.com/culturalanthropology/chapter/holism-in-anthropology/>, accessed on 02 Sep 2024

<sup>iii</sup> Eckert J "Legal Roots of Human Dignity in German Law" in Kretzmer D and Klein E (eds) *The Concept of Human Dignity in Human Rights Discourse* (Kluwer Law International the Hague 2002), accessed on 02 Sep 2024

<sup>iv</sup> <https://blog.ipleaders.in/right-dignity-rule-law>, accessed on 02 Sep 2024

<sup>v</sup> Barak A "Human Dignity: The Constitutional Value and the Constitutional Right" in McCrudden C (ed) *Understanding Human Dignity* (Oxford University Press Oxford 2013), accessed on 02 Sep 2024

<sup>vi</sup> Dicke K "The Founding Function of Human Dignity" in Kretzmer D and Kleyn E *The Concept of Human Dignity in Human Rights Discourse* (Kluwer Law International the Hague 2002), accessed on 02 Sep 2024

<sup>vii</sup> Gary J. Bass (book reviewer), Samuel Moyn (author of book being reviewed), 20 October 2010, *The New Republic*, accessed on 02 Sep 2024

<sup>viii</sup> Powell, Mark Allan (2009). *Introducing the New Testament: A Historical, Literary, and Theological Survey*. Baker. ISBN 978-0-8010-2868-7, accessed on 02 Sep 2024

<sup>ix</sup> <https://lawexplores.com/the-philosophy-of-law-in-the-writings-of-augustine/#Fn23>, accessed on 02 Sep 2024

<sup>x</sup> Roth, Hans Ingvar (September 2018). *P. C. Chang and the Universal Declaration of Human Rights*. University of Pennsylvania Press. p. 177. ISBN 9780812295474, accessed on 02 Sep 2024

- 
- <sup>xi</sup> Freeman, Michael (2002). *Human Rights: An Interdisciplinary Approach*. Wiley. ISBN 978-0-7456-2356-6, accessed on 02 Sep 2024
- <sup>xii</sup> <https://www.insidehighered.com/views/mclemee/mclemee317>, accessed on 02 Sep 2024
- <sup>xiii</sup> Morley, Neville (2010). *The Roman Empire: Roots of Imperialism*. Pluto Press. ISBN 978-0-7453-2870-6.; Diamond, Jared (2011). *Collapse: How Societies Choose to Fail or Succeed (Revised ed.)*. Penguin, ISBN 978-1-1015-0200-6, accessed on 03 Sep 2024
- <sup>xiv</sup> Mousourakis, George (December 12, 2003). *The Historical and Institutional Context of Roman Law*. Ashgate. ISBN 9780754621140, accessed on 03 Sep 2024
- <sup>xv</sup> Douma, Sytse; Schreuder, Hein (2013) [1991]. *Economic Approaches to Organisations (5th ed.)*. Harlow: Pearson Education Limited. ISBN 978-0-273-73529-8, accessed on 03 Sep 2024
- <sup>xvi</sup> *The New Oxford American Dictionary, Second Edn.*, Erin McKean (editor), 2051 pp., 2005, Oxford University Press, ISBN 0-19-517077-6, accessed on 03 Sep 2024
- <sup>xvii</sup> Philpott, Daniel (1995). "Sovereignty: An Introduction and Brief History". *Journal of International Affairs*. 48 (2): 353–368. JSTOR 24357595, accessed on 03 Sep 2024
- <sup>xviii</sup> <https://www.britannica.com/topic/Constitution-politics-and-law>, accessed on 03 Sep 2024
- <sup>xix</sup> <https://www.ucl.ac.uk/Constitution-unit/explainers/what-Constitution>, accessed on 03 Sep 2024
- <sup>xx</sup> <https://academic.oup.com/book/26983/chapter-abstract/196195611?redirectedFrom=fulltext>, accessed on 03 Sep 2024
- <sup>xxi</sup> <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>, accessed on 22 Sep 2024
- <sup>xxii</sup> <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history>, accessed on 22 Sep 2024
- <sup>xxiii</sup> [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf), accessed on 22 Sep 2024
- <sup>xxiv</sup> Longino, Helen E. (2013), *Studying Human Behaviour: How Scientists Investigate Aggression and Sexuality*, University of Chicago Press, ISBN 978-0226921822, accessed on 22 Sep 2024
- <sup>xxv</sup> <https://www.bl.uk/collection-items/magna-carta-1215>, accessed on 22 Sep 2024
- <sup>xxvi</sup> Schwoerer, Lois G. (1990). "Locke, Lockean Ideas, and the Glorious Revolution". *Journal of the History of Ideas*. 51 (4): 531–548. doi:10.2307/2709645, accessed on 22 Sep 2024

- 
- <sup>xxvii</sup> Hazeltine, H. D. (1917). "The Influence of Magna Carta on American Constitutional Development". In Malden, Henry Elliot (ed.). *Magna Carta commemoration essays*. BiblioBazaar, ISBN 978-1116447477, accessed on 22 Sep 2024
- <sup>xxviii</sup> "The Declaration of Independence: A History". The U.S. National Archives and Records Administration. January 17, 2010. Archived from the original on September 17, 2008, accessed on 22 Sep 2024
- <sup>xxix</sup> McDonald, Robert (2008). "Mason, George (1725–1792)". In Hamowy, Ronald (ed.). *The Encyclopedia of Libertarianism*. Thousand Oaks, ISBN 978-1-4129-6580-4, accessed on 23 Sep 2024
- <sup>xxx</sup> "Britain's unwritten Constitution". British Library. Archived from the original on 8 September 2021. Retrieved 27 November 2015. The key landmark is the Bill of Rights (1689), accessed on 23 Sep 2024
- <sup>xxxi</sup> Rees, Dr Yves (2020). "The women of the League of Nations". [www.latrobe.edu.au](http://www.latrobe.edu.au), accessed on 23 Sep 2024
- <sup>xxxii</sup> Wiest, Andrew (2012). *The Western Front 1917–1918: From Vimy Ridge to Amiens and the Armistice*. Amber Books. pp. 126, 168, 200. ISBN 978-1-906626-13-6, accessed on 23 Sep 2024
- <sup>xxxiii</sup> Crenshaw, Kimberle (1991). "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color". *Stanford Law Review*. 43 (6): 1241–1299, ISSN 0038-9765, accessed on 23 Sep 2024
- <sup>xxxiv</sup> de Vries, Jan (2008). *The Industrious Revolution: Consumer Behaviour and the Household Economy, 1650 to the Present*. Cambridge University Press, ISBN 978-0511409936, accessed on 23 Sep 2024
- <sup>xxxv</sup> Bremner, Gavin; Wachs, Theodore D., eds. (2010), *The Wiley-Blackwell Handbook of Infant Development, Vol. 1: Basic Research* (2nd ed.), Wiley-Blackwell, ISBN 978-1444332735, accessed on 23 Sep 2024
- <sup>xxxvi</sup> Beauchaine, T. P.; Hinshaw, S. P.; Gatzke-Kopp, L. (2008). "Genetic and Environmental Influences on Behaviour", *Child and Adolescent Psychopathology*. Wiley. pp. 58–90, ISBN 978-0470007440, accessed on 23 Sep 2024
- <sup>xxxvii</sup> Tajfel, Henri; Billig, M. G.; Bundy, R. P.; Flament, Claude (1971). "Social categorization and intergroup behaviour". *European Journal of Social Psychology*. 1 (2): 149–178. doi:10.1002/ejsp.2420010202, accessed on 23 Sep 2024
- <sup>xxxviii</sup> Alford, John R.; Hibbing, John R. (2004). "The Origin of Politics: An Evolutionary Theory of Political Behaviour". *Perspectives on Politics*. 2 (4): 707–723, ISSN 1541-0986, accessed on 23 Sep 2024
- <sup>xxxix</sup> Barki, Henri; Hartwick, Jon (2004-03-01). "Conceptualizing the Construct of Interpersonal Conflict". *International Journal of Conflict Management*. 15 (3): 216–244, ISSN 1044-4068, accessed on 23 Sep 2024

---

<sup>xl</sup> Mitchell, Christopher R. (2005). "Conflict, Social Change and Conflict Resolution. An Enquiry.". Berghof Handbook for Conflict Transformation. Berghof Foundation, accessed on 23 Sep 2024

<sup>xli</sup> Miller and King, 2005, "Peace," in A glossary of terms and concepts in peace and conflict studies, University for Peace, Geneva, accessed on 23 Sep 2024

<sup>xlii</sup> Rao N "Three Concepts of Human Dignity in Constitutional Law" 2011 Notre Dame L Rev, accessed on 23 Sep 2024

<sup>xliii</sup> Shaheed, Ahmed; Richter, Rose Parris (17 October 2018). "Is 'Human Rights' a Western Concept?". IPI Global Observatory, accessed on 23 Sep 2024

<sup>xliv</sup> [https://shodhganga.inflibnet.ac.in/bitstream/10603/89946/10/10\\_chapter%20ii.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/89946/10/10_chapter%20ii.pdf), accessed on 24 Sep 2024

<sup>xlv</sup> Hohfeld, W. N. Fundamental Legal Conceptions as Applied in Judicial Reasoning, ed. by W.W. Cook (1919); reprint, New Haven, CT: Yale University Press, (1964), accessed on 24 Sep 2024

<sup>xlvi</sup> <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response>,

<sup>xlvii</sup> <http://sumananthromaterials.blogspot.com/2010/06/anthropology-and-human-rights.html>, accessed on 24 Sep 2024

<sup>xlviii</sup> Sutto, Marco (2019). "Human Rights Evolution, A Brief History". The CoESPU Magazine. 2019 (3): 18–21. doi:10.32048/Coespumagazine3.19.3, accessed on 24 Sep 2024

<sup>xliv</sup> Glendon, Mary Ann (2002). A world made new: Eleanor Roosevelt and the Universal Declaration of Human Rights. Random House. ISBN 978-0375760464, accessed on 24 Sep 2024

<sup>l</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2023-10/undp-protecting-human-rights-in-Constitutions.pdf>, accessed on 24 Sep 2024

<sup>li</sup> Adewale, Adeyinka; Schepers, Stefan (2023), Adewale, Adeyinka; Schepers, Stefan (eds.), "Pre-colonial Political Order in Africa", Reimagining Africa: Lifting the Veil of Ignorance, Cham: Springer Nature Switzerland, doi:10.1007/978-3-031-40360-6\_2, ISBN 978-3-031-40360-6, accessed on 24 Sep 2024

<sup>lii</sup> Frontiers of Language and Teaching, Vol.2: Proceedings of the 2011 International Online Language Conference (IOLC 2011). Universal-Publishers. ISBN 978-1-61233-559-9, accessed on 24 Sep 2024

<sup>liiii</sup> Ignatieff, Michael (2001). Human Rights as Politics and Idolatry. Princeton & Oxford: Princeton University Press. ISBN 0691088934, accessed on 24 Sep 2024

<sup>liv</sup> Moyn, Samuel (2010). The Last Utopia: Human Rights in History. Harvard University Press. ISBN 978-0-674-04872-0, accessed on 24 Sep 2024

- 
- lv "Journals Ranked by Impact: International Relations". 2016 Journal Citation Reports (Social Sciences ed.). Thomson Reuters. 2017, accessed on 24 Sep 2024
- lvi Wolfgang Dietrich, Daniela Ingruber, Josefina Echavarría, Gustavo Esteva and Norbert Koppensteiner (eds.): *The Palgrave International Handbook of Peace Studies: A Cultural Perspective*, London, Palgrave Macmillan, 2011, accessed on 24 Sep 2024
- lvii Woody, Debra J.; Woody, David (2019). "Early Childhood". In Hutchison, Elizabeth D. (ed.). *Dimensions of Human Behaviour: The Changing Life Course* (6th ed.). SAGE Publications, ISBN 978-1544339344, accessed on 24 Sep 2024
- lviii Roth, Hans Ingvar (September 2018). *P. C. Chang and the Universal Declaration of Human Rights*. University of Pennsylvania Press, ISBN 9780812295474, accessed on 24 Sep 2024
- lix Duck, Steve (2007). *Human Relationships* (4th ed.). SAGE Publications. ISBN 978-1412929998, accessed on 24 Sep 2024
- lx Van Schaik, Carel P. (2016). *The primate origins of human nature. Foundations of human biology*. Hoboken, New Jersey: Wiley-Blackwell. ISBN 978-1-119-11820-6, accessed on 24 Sep 2024
- lxi <https://www.bl.uk/collection-items/universal-declaration-of-human-rights>, accessed on 24 Sep 2024
- lxii Woody, Debra J.; Woody, David (2019). "Early Childhood". In Hutchison, Elizabeth D. (ed.). *Dimensions of Human Behaviour: The Changing Life Course* (6th ed.). SAGE Publications, ISBN 978-1544339344, accessed on 24 Sep 2024
- lxiii Hurst Hannum [\[eu\]](#), "The Status of the Universal Declaration of Human Rights in National and International Law". *Georgia Journal of International and Comparative Law*, Vol 25:287, accessed on 24 Sep 2024
- lxiv <https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/human-rights-actors/the-role-of-states>, accessed on 24 Sep 2024
- lxv Elkins, Zachary; Ginsburg, Tom (2022). "Imagining a World without the Universal Declaration of Human Rights". *World Politics*. 74 (3): 327–366. doi:10.1017/S0043887122000065. ISSN 0043-8871, accessed on 24 Sep 2024
- lxvi <https://www.hhrjournal.org/wp-content/uploads/sites/2469/2014/04/16-Hannum.pdf>, accessed on 24 Sep 2024
- lxvii G. Christenson, "Using Human Rights Law to Inform Due Process and Equal Protection Analyses", *University of Cincinnati Law Review* 52 (1983), accessed on 24 Sep 2024
- lxviii Zelazo, Philip David (2013). *The Oxford Handbook of Developmental Psychology*. Vol. 2: Self and Other. OUP US. ISBN 978-0-19-995847-4, accessed on 24 Sep 2024

---

<sup>lxxix</sup> Galtung, Johan (31 July 1996). *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (1st ed.). Los Angeles: SAGE Publications Ltd. ISBN 978-0-8039-7511-8, accessed on 24 Sep 2024

<sup>lxxx</sup> <https://www.un.org/en/peacebuilding/pbso/pbun.shtml>, accessed on 24 Sep 2024

<sup>lxxxi</sup> <https://unfoundation.org/what-we-do/issues/peace-human-rights-and-humanitarian-response/>, accessed on 24 Sep 2024

<sup>lxxxii</sup> Wakugawa, Izumi (10 August 2012). "Peace Process: The First Step towards Realisation of Peace : @PKO No!w". Cabinet Office (Japan). Archived from the original on 8 November 2019, accessed on 25 Sep 2024

<sup>lxxxiii</sup> Welsh, Jennifer M (2019). "Norm Robustness and the Responsibility to Protect". *Journal of Global Security Studies*. 4 (1): 53–72. doi:10.1093/jogss/ogy045, accessed on 25 Sep 2024

<sup>lxxxiv</sup> Ball, Olivia; Gready, Paul (2007). *The No-Nonsense Guide to Human Rights*. New Internationalist. ISBN 978-1904456452, accessed on 25 Sep 2024

<sup>lxxxv</sup> Galbreath, David J. (2007). *The Organisation for Security and Co-operation in Europe (OSCE)*. Routledge global institutions (Volume 14). New York, NY: Routledge. ISBN 9780203960943, accessed on 25 Sep 2024

<sup>lxxxvi</sup> Oberg, Jan (April 15, 2005). "The International Crisis Group". The Transnational Foundation for Peace and Future Research. Archived from the original on 28 September 2007, accessed on 25 Sep 2024

<sup>lxxxvii</sup> <https://www.un.org/peacebuilding/content/pbc-chair-history>, accessed on 25 Sep 2024

<sup>lxxxviii</sup> James, Paul (2014). "Human Security as a Left-Over of Military Security, or as Integral to the Human Condition". In Paul Bacon and Christopher Hobson (ed.). *Human Security and Japan's Triple Disaster*. London: Routledge, accessed on 25 Sep 2024

<sup>lxxxix</sup> Alkire, Sabina (2002). "A conceptual framework for human security - working paper no. 2" (PDF). Center for Research on Inequality, Human Security and Ethnicity (CRISE), Queen Elizabeth House. Archived from the original (PDF) on 2014-04-18, accessed on 25 Sep 2024

<sup>lxxx</sup> Chilton, Adam S.; Versteeg, Mila (2014). "Do Constitutional Rights Make a Difference?". Coase-Sandor Institute for Law & Economics. Coase-Sandor Institute for Law & Economics Working Paper No. 694. SSRN 2477530, accessed on 03 Nov 2024

<sup>lxxxxi</sup> Buckland, William Warwick (1963). *A Textbook of Roman Law from Augustus to Justinian*. Revised by P. G. Stein (3rd ed.). Cambridge, UK: Cambridge University Press, accessed on 03 Nov 2024

<sup>lxxxii</sup> Finlay, George (1853). *History of the Byzantine Empire from DCCXVI to MLVII*. Edinburgh, Scotland; London, England: William Blackwood and Sons, accessed on 03 Nov 2024

- 
- <sup>lxxxiii</sup> Bury, John Bagnell (1911). "Basil I." . In Chisholm, Hugh (ed.). Encyclopædia Britannica. Vol. 03 (11th ed.). Cambridge University Press. p. 467, accessed on 03 Nov 2024
- <sup>lxxxiv</sup> Treadgold, Warren T. (1997). A History of the Byzantine State and Society. Stanford, CA: Stanford University Press. ISBN 9780804726306, accessed on 03 Nov 2024
- <sup>lxxxv</sup> Salomon, Richard (1998). Indian Epigraphy: A Guide to the Study of Inscriptions in Sanskrit, Prakrit, and the other Indo-Aryan Languages. Oxford University Press. ISBN 978-0-19-535666-3, accessed on 03 Nov 2024
- <sup>lxxxvi</sup> Singh, Upinder (2008). A History of Ancient and Early Medieval India: From the Stone Age to the 12th Century. Pearson Education India. p. 351. ISBN 9788131711200, accessed on 03 Nov 2024
- <sup>lxxxvii</sup> Allen, Charles (2012). Ashoka: The Search for India's Lost Emperor. Little, Brown Book Group. p. 133. ISBN 9781408703885, accessed on 03 Nov 2024
- <sup>lxxxviii</sup> Peter John Rhodes. A Commentary on the Aristotelian Athenaion Politeia (Oxford University Press), 1981, 1993: introduction, pp. 2–5, accessed on 03 Nov 2024
- <sup>lxxxix</sup> Williams, Henry (2018). Ancient Mesopotamia. Ozymandias Press. p. 57. ISBN 978-1-5312-6292-1,
- <sup>xc</sup> Kramer, Samuel Noah (1956). History begins at Sumer. London: Thames & Hudson, accessed on 03 Nov 2024
- <sup>xc1</sup> Kramer, Samuel Noah (1983). "The Ur-Nammu Law Code: Who Was Its Author?". *Orientalia*. 52 (4): 453–56. JSTOR 43075250, accessed on 03 Nov 2024
- <sup>xcii</sup> Woods C. 2006 "Bilingualism, Scribal Learning, and the Death of Sumerian". In S. L. Sanders (ed) *Margins of Writing, Origins of Culture*: 91–120 Chicago, accessed on 03 Nov 2024
- <sup>xciii</sup> Khalisi, Emil (2020), The Double Eclipse at the Downfall of Old Babylon, arXiv:2007.07141, accessed on 03 Nov 2024
- <sup>xciv</sup> A. K. Grayson (1972). *Assyrian Royal Inscriptions, Volume 1*. Otto Harrassowitz. pp. 7–8, accessed on 03 Nov 2024
- <sup>xcv</sup> Wells, John C. (1990). "Athens". *Longman pronunciation dictionary*. Harlow, England: Longman. p. 48. ISBN 0-582-05383-8, accessed on 03 Nov 2024
- <sup>xcvi</sup> 'Capital Punishment' in *Internet Encyclopedia of Philosophy*, accessed on 03 Nov 2024
- <sup>xcvii</sup> Fine, John V. A. (1983). *The Ancient Greeks: A critical history*. Cambridge, MA (US): Belknap Press of Harvard University Press. ISBN 0-674-03314-0, accessed on 03 Nov 2024
- <sup>xcviii</sup> Lewis, D. M. (1963). "Cleisthenes and Attica". *Historia: Zeitschrift für Alte Geschichte*. 12 (1): 25. ISSN 0018-2311, accessed on 03 Nov 2024

- 
- <sup>xcix</sup> Mommsen, Theodore E. (1942). "Petrarch's Conception of the 'Dark Ages'". *Speculum*. 17 (2). Cambridge MA: Medieval Academy of America: 226–227. doi:10.2307/2856364. JSTOR 2856364, accessed on 03 Nov 2024
- <sup>c</sup> Bowman, Alan K.; Cameron, Averil; Garnsey, Peter, eds. (2005). *The Cambridge Ancient History, Volume XII: The Crisis of Empire, A.D. 193-337*. Cambridge: Cambridge University Press. ISBN 978-0-5213-0199-2, accessed on 03 Nov 2024
- <sup>ci</sup> Lendering, Jona. "Governor (Roman) – Livius". [www.livius.org](http://www.livius.org). Archived from the original on 22 February 2018, accessed on 03 Nov 2024
- <sup>cii</sup> Janet L. Nelson (2003). *The Frankist World*, Continuum International. p. xiii. ISBN 978-1-85285-105-7, accessed on 03 Nov 2024
- <sup>ciii</sup> *Breviarium Alaricianum* in *A Dictionary of Greek and Roman Antiquities* by William Smith, 1890, accessed on 03 Nov 2024
- <sup>civ</sup> Hough, Carole A. (1994). "The early Kentish 'divorce laws': a reconsideration of Æthelberht, chs. 79 and 80". *Anglo-Saxon England*. 23: 19–34, doi:10.1017/S0263675100004476, ISBN 0-521-47200-8, accessed on 03 Nov 2024
- <sup>cv</sup> Bede, *Ecclesiastical History*, Book II, Ch. 5, from Sherley-Price's translation, p. 112, accessed on 03 Nov 2024
- <sup>cvi</sup> Powers, John (2007). *Introduction to Tibetan Buddhism*. Ithaca, NY: Snow Lion Publications. ISBN 978-1-55939-282-2, accessed on 03 Nov 2024
- <sup>cvi</sup> Damien Keown (2004). *A Dictionary of Buddhism*. Oxford University Press. pp. 208–209. ISBN 978-0-19-157917-2, accessed on 03 Nov 2024
- <sup>cviii</sup> Goudarzi, Mohsen (2024). "Mecca's Cult and Medina's Constitution in the Qurʾān: A New Reading of al-Māʾidah". *Der Islam*. 10 (1): 25–73. doi:10.1515/islam-2024-0003, accessed on 03 Nov 2024
- <sup>cix</sup> Rubin, Uri (19 April 2022). *The Life of Muhammad*. Taylor & Francis. ISBN 978-1-351-88676-5, accessed on 03 Nov 2024
- <sup>cx</sup> Firestone, Reuven (1999). *Jihad: The Origin of Holy War in Islam*. Oxford University Press. ISBN 978-0-19-535219-1, accessed on 03 Nov 2024
- <sup>cx</sup> Goudarzi, Mohsen (2024). "Mecca's Cult and Medina's Constitution in the Qurʾān: A New Reading of al-Māʾidah". *Der Islam*. 10 (1): 25–73. doi:10.1515/islam-2024-0003, accessed on 03 Nov 2024
- <sup>cxii</sup> Watt. Muhammad at Medina and R.B. Serjeant "The Constitution of Medina." *Islamic Quarterly* 8 (1964) p. 4,
- <sup>cxiii</sup> Muir, William (sir.) (1858). "Yathreb or Medīna". *The Life of Mahomet*. Smith, accessed on 03 Nov 2024

- 
- <sup>cxiv</sup> R.B. Serjeant, *The Sunnah Jami'ah, pacts with the Yathrib Jews, and the Tahrir of Yathrib: Analysis and translation of the documents comprised in the so-called "Constitution of Medina."* *Bulletin of the School of Oriental and African Studies, University of London*, Vol. 41, No. 1. (1978), accessed on 03 Nov 2024
- <sup>cxv</sup> Humphreys, R. Stephen (1991). *Islamic History: A Framework for Inquiry – Revised Edition*. Princeton University Press. ISBN 978-0-691-00856-1, accessed on 03 Nov 2024
- <sup>cxvi</sup> "Nordisk Familjebok – Axel Gustafsson Oxenstierna". *Nordisk Familjebok* at [runeberg.org](http://runeberg.org) (in Swedish). 1914, accessed on 03 Nov 2024
- <sup>cxvii</sup> "Adriaen Block". *The Society of Colonial Wars in the State of Connecticut. General Society of Colonial Wars*, accessed on 03 Nov 2024
- <sup>cxviii</sup> Fritze, Ronald H. & Robison, William B. (1996). *Historical Dictionary of Stuart England, 1603–1689*, accessed on 03 Nov 2024 Greenwood Publishing Group, ISBN 0-313-28391-5, accessed on 03 Nov 2024
- <sup>cxix</sup> *Wayback Machine Instrument of Government (England [1653])*. *Encyclopædia Britannica*, accessed on 03 Nov 2024
- <sup>cxx</sup> Francis D. Wormuth (1949). *The Origins of Modern Constitutionalism*. Harper & Brothers, accessed on 03 Nov 2024
- <sup>cxxi</sup> Farr, Archived December 27, 2022, at the *Wayback Machine*, *Declaration of Representation of June 14, 1647*, accessed on 03 Nov 2024
- <sup>cxxii</sup> Mortlock, Stephen (2017). "Death and Disease in the English Civil War". *The Biomedical Scientist*, accessed on 03 Nov 2024
- <sup>cxxiii</sup> Hutton, Ronald (2003). *The Royalist War Effort 1642–1646*. Routledge. ISBN 978-0-415-30540-2, accessed on 03 Nov 2024
- <sup>cxxiv</sup> Holland, Arthur William (1911), *Instrument of Government*, In Chisholm, Hugh (ed.). *Encyclopædia Britannica*. Vol. 14 (11th ed.). Cambridge University Press, accessed on 03 Nov 2024
- <sup>cxxv</sup> Thomas, Gillian (1992). *A Position to Command Respect: Women and the Eleventh* *Britannica*. Metuchen, NJ: Scarecrow Press. ISBN 0-8108-2567-8, accessed on 03 Nov 2024
- <sup>cxxvi</sup> Lee, Sidney (1903), *Dictionary of National Biography Index and Epitome* , accessed on 03 Nov 2024
- <sup>cxxvii</sup> *Documents from the Continental Congress and the Constitutional Convention, 1774–1789 | Digital Collections | Library of Congress*". *Library of Congress, Washington, D.C. 20540 USA*. Archived, accessed on 03 Nov 2024
- <sup>cxxviii</sup> Lewin, Tamar (January 28, 2015). "Harvard's Endowment Remains Biggest of All". *The New York Times*,

---

<sup>cxxxix</sup> John Keane: *The Life and Death of Democracy*, London 2009, 169–176, accessed on 03 Nov 2024

<sup>cxxx</sup> obson, Adrian (2012). *The First English Revolution: Simon de Montfort, Henry III and the Barons' War*. Bloomsbury. pp. 173–4. ISBN 978-1-84725-226-5, accessed on 03 Nov 2024

<sup>cxxxii</sup> Norgate, Kate (1894), Montfort, Simon of (1208-1265), In Lee, Sidney (ed.). *Dictionary of National Biography*. Vol. 38. London: Smith, Elder & Co, accessed on 03 Nov 2024

<sup>cxxxiii</sup> Kopstein, Jeffrey; Lichbach, Mark; Hanson, Stephen E., eds. (2014). *Comparative Politics: Interests, Identities, and Institutions in a Changing Global Order* (4, revised ed.). Cambridge University Press. pp. 37–9. ISBN 978-1139991384, accessed on 03 Nov 2024

<sup>cxxxiiii</sup> Dickinson, H. T. (2003). "Walpole, Sir Robert". In Loads, David (ed.). *Readers' Guide to British History*, accessed on 03 Nov 2024

<sup>cxxxv</sup> Blick, Andrew; Jones, George (1 January 2012). "The Institution of Prime Minister". *History of Government Blog*. Government of the United Kingdom, accessed on 03 Nov 2024

<sup>cxxxvi</sup> Carter, Byrum E. (2015) [1955]. "The Historical Development of the Office of Prime Minister". *Office of the Prime Minister*. Princeton University Press. ISBN 9781400878260, accessed on 03 Nov 2024

<sup>cxxxvii</sup> "How the Westminster Parliamentary System was exported around the World". University of Cambridge, accessed on 03 Nov 2024

<sup>cxxxviii</sup> Fieldhouse, David; Madden, Frederick (1990). *Settler Self-Government, 1840–1900: The Development of Representative and Responsible Government* (1. publ. ed.). New York: Greenwood Press. p. xxi. ISBN 978-0-313-27326-1, accessed on 03 Nov 2024

<sup>cxxxix</sup> Seidle, F. Leslie; Docherty, David C. (2003). *Reforming parliamentary democracy*. McGill-Queen's University Press. p. 3. ISBN 9780773525085, accessed on 03 Nov 2024

<sup>cxl</sup> Johnston, Douglas M.; Reisman, W. Michael (2008). *The Historical Foundations of World Order*. Leiden: Martinus Nijhoff Publishers. p. 571. ISBN 978-9047423935, accessed on 03 Nov 2024

<sup>cxli</sup> Julian Go (2007). "A Globalizing Constitutionalism, Views from the Postcolony, 1945–2000". In Arjomand, Saïd Amir (ed.). *Constitutionalism and political reconstruction*. Brill. pp. 92–94. ISBN 978-9004151741, accessed on 03 Nov 2024

<sup>cxlii</sup> Patapan, Haig; Wanna, John; Weller, Patrick Moray (2005). *Westminster Legacies: Democracy and Responsible Government in Asia and the Pacific*. UNSW Press. ISBN 978-0-86840-848-4, accessed on 03 Nov 2024

<sup>cxliii</sup> "Thiepval Anglo-French Cemetery". Commonwealth War Graves Commission, Archived from the original on 14 October 2023, accessed on 03 Nov 2024

- 
- cxliii Jelavich, Barbara (1987). *Modern Austria: Empire and Republic, 1815–1986*. Cambridge University Press. ISBN 9780521316255, accessed on 03 Nov 2024
- cxliv Gardner, Helen; de la Croix, Horst; Tansey, Richard G.; Kirkpatrick, Diane (1991). *Gardner's Art through the Ages*. San Diego, CA: Harcourt Brace Jovanovich. p. 953. ISBN 0-15-503770-6, accessed on 03 Nov 2024
- cxlv Levieux, Eleanor (1999). *Insiders' French : beyond the dictionary*. Chicago: University of Chicago Press. p. 239. ISBN 978-0-226-47502-8, accessed on 03 Nov 2024
- cxlvi Julian T. Jackson, *France: The Dark Years, 1940–1944* (2001), accessed on 03 Nov 2024
- cxlvii "fascism", Merriam-Webster Online. Archived from the original on 22 August 2017, accessed on 03 Nov 2024
- cxlviii Payne, Stanley G. (1995). *A History of Fascism, 1914–45*. University of Wisconsin Press. ISBN 978-0-299-14874-4, accessed on 03 Nov 2024
- cxlix Brody, J. Kenneth (1999). *The Avoidable War: Pierre Laval and the Politics of Reality, 1935–1936*. New Brunswick, NJ: Transaction Publishers. ISBN 978-0-7658-0622-2, accessed on 04 Nov 2024
- cl Kapur, Nick (2018). *Japan at the Crossroads: Conflict and Compromise after Anpo*. Cambridge, MA: Harvard University Press. ISBN 978-0674984424, accessed on 04 Nov 2024
- cli Bratberg, Terje. "Christian Adolph Diriks". In Helle, Knut (ed.). *Norsk biografisk leksikon* (in Norwegian). Oslo: Kunnskapsforlaget. Retrieved 2010-05-28, accessed on 04 Nov 2024
- clii Julian Go (2007). "A Globalizing Constitutionalism?, Views from the Postcolony, 1945–2000". In Arjomand, Saïd Amir (ed.). *Constitutionalism and political reconstruction*. Brill. pp. 92–94. ISBN 978-9004151741, accessed on 04 Nov 2024
- cliii "How the Westminster Parliamentary System was exported around the World". University of Cambridge, accessed on 04 Nov 2024
- cliv Mill, John Stuart (1861). "Chapter VII, Of True and False Democracy; Representation of All, and Representation of the Majority only". *Considerations on Representative Government*. London: Parker, Son, & Bourn, accessed on 04 Nov 2024
- clv Rutledge, Martha (1979). "Sir Edmund (Toby) Barton (1849–1920)". *Australian Dictionary of Biography*. Vol. 7. Canberra: National Centre of Biography, Australian National University. ISBN 978-0-522-84459-7, accessed on 04 Nov 2024
- clvi "The Constitution of the People's Republic of Bangladesh". [bdlaws.minlaw.gov.bd](http://bdlaws.minlaw.gov.bd). Article 56, accessed on 04 Nov 2024

- 
- clvii Williams, George; Brennan, Sean; Lynch, Andrew (2014). *Blackshield and Williams Australian Constitutional Law and Theory* (6 ed.). Leichhardt, NSW: Federation Press. pp. 77–88. ISBN 978-1-86287-918-8, accessed on 04 Nov 2024
- clviii Polibius. (~150 B.C.). *The Rise of the Roman Empire*. Translated by Ian Scott-Kilvert (1979). Penguin Classics. London, England, accessed on 04 Nov 2024
- clix Vile, M. J. (1967). The separation of powers. In: Greene, J. P., & Pole, J. R. (Eds.). (2008). *A companion to the American Revolution*, Ch. 87. John Wiley & Sons, accessed on 04 Nov 2024
- clx Seidle, F. Leslie; Docherty, David C. (2003). *Reforming parliamentary democracy*. McGill-Queen's University Press. p. 3. ISBN 9780773525085, accessed on 04 Nov 2024
- clxi Briceño Perozo, Mario. "Mendoza, Cristóbal de" in *Diccionario de Historia de Venezuela*, Vol. 3. Caracas: Fundación Polar, 1999. ISBN 980-6397-37-1, accessed on 04 Nov 2024
- clxii Borg, Ivan; Nordell, Erik; Rodhe, Sten; Nordell, Erik (1967). *Historia för gymnasiet. Årskurs 1* (in Swedish) (4th ed.). Stockholm: AV Carlsons. pp. 412–413. SELIBR 10259755, accessed on 04 Nov 2024
- clxiii <https://www.politifact.com/factchecks/2014/sep/22/bob-goodlatte/goodlatte-says-us-has-oldest-working-national-cons/>, accessed on 04 Nov 2024
- clxiv "The first European country to follow the U.S. example was Poland in 1791." John Markoff, *Waves of Democracy*, 1996, ISBN 0-8039-9019-7, accessed on 04 Nov 2024
- clxv "The first European country to follow the U.S. example was Poland in 1791." John Markoff, *Waves of Democracy*, 1996, ISBN 0-8039-9019-7, accessed on 04 Nov 2024
- clxvi Isaac Kramnick, Introduction, Madison, James (1987). *The Federalist Papers*. Penguin Classics, ISBN 978-0-14-044495-7, accessed on 04 Nov 2024
- clxvii <https://web.archive.org/web/20111217062556/http://sourcebook.fsc.edu/history/Constitutionof1791.html>, accessed on 04 Nov 2024
- clxviii Briceño Perozo, Mario. "Mendoza, Cristóbal de" in *Diccionario de Historia de Venezuela*, Vol. 3. Caracas: Fundación Polar, 1999. ISBN 980-6397-37-1, accessed on 04 Nov 2024
- clxix <https://research.kent.ac.uk/warandnation/1811-miranda-declares-independence-in-venezuela-and-civil-war-begins/>, accessed on 04 Nov 2024
- clxx Thiessen, Heather. "Spain: Constitution of 1812." *Encyclopedia of Latin American History and Culture*, vol. 5, p. 165. New York: Charles Scribner's Sons 1996, accessed on 04 Nov 2024
- clxxi "Brazil colonial history". *casahistoria*. Archived from the original on 26 June 2007, accessed on 04 Nov 2024

- 
- clxxii Gerard Taylor (October 2005). *Capoeira: The Jogo de Angola from Luanda to Cyberspace*. North Atlantic Books. p. 305. ISBN 978-1-55643-601-7, accessed on 04 Nov 2024
- clxxiii Payne, Stanley G. (1973). *A History of Spain and Portugal: Eighteenth Century to Franco*. Vol. 2. Madison: University of Wisconsin Press. pp. 432–433. ISBN 978-0-299-06270-5, accessed on 04 Nov 2024
- clxxiv Lustosa, Isabel (2007). *Perfis Brasileiros - D. Pedro I*. São Paulo: Companhia das Letras. ISBN 978-85-35-90807-7, accessed on 04 Nov 2024
- clxxv Carvalho, José Murilo de (1993). *A Monarquia Brasileira*. Rio de Janeiro: Ao Livro Técnico, accessed on 04 Nov 2024
- clxxvi Sousa, Octávio Tarquínio de (1972). *A vida de D. Pedro I (in Portuguese)*. Vol. 1. Rio de Janeiro: José Olímpio, accessed on 04 Nov 2024
- clxxvii Hellquist, Elof (1922). *Svensk etymologisk ordbok [Swedish etymological dictionary]* (in Swedish). Gleerup. p. 917. Archived from the original on 28 August 2011, accessed on 04 Nov 2024
- clxxviii Lewin, Leif (May 1, 2007). "Majoritarian and Consensus Democracy: the Swedish Experience". *Scandinavian Political Studies*. 21 (3): 195–206. doi:10.1111/j.1467-9477.1998.tb00012.x. ISSN 0080-6757, accessed on 04 Nov 2024
- clxxix Tridimas, George (2021). "Constitutional monarchy as power sharing". *Constitutional Political Economy*. 32 (4): 431–461. doi:10.1007/s10602-021-09336-8, accessed on 04 Nov 2024
- clxxx Nohlen, D & Stöver, P (2010) *Elections in Europe: A data handbook*, p1940 ISBN 9783832956097, accessed on 04 Nov 2024
- clxxxi A. Kölz: *Kantonsverfassungen in German, French and Italian in the online Historical Dictionary of Switzerland*, 2014, accessed on 04 Nov 2024
- clxxxii "The Serbian Revolution and the Serbian State". staff.lib.msu.edu. Archived from the original on 10 October 2017, accessed on 04 Nov 2024
- clxxxiii Bakić, Dragoljub (1972). *Pet vekova Kragujevca (in Serbo-Croatian)*. N.B. Vuk Karadzic Kragujevac, accessed on 04 Nov 2024
- clxxxiv <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html#sec60>, accessed on 04 Nov 2024
- clxxxv The Constitutional Law Group, *Canadian Constitutional Law*. 3rd ed. Toronto: Emond Montgomery Publications Ltd., 2003, accessed on 04 Nov 2024
- clxxxvi Endorsement of the 2007 United Nations Declaration on the Rights of Indigenous Peoples by its four initial opponents – namely, Australia, Canada, New Zealand and, later,

---

the United States, all of whom voted against this Declaration in the General Assembly in 2007, accessed on 27 Sep 2024

clxxxvii Yash Ghai and Jill Cottrell, *The Millennium Declaration, Rights, and Constitutions*, New Delhi, Oxford University Press, 2011, accessed on 27 Sep 2024

clxxxviii Elkind, Jerome B. (1987). "A New Look at Entrenchment". *The Modern Law Review*. 50 (2): 158–175. doi:10.1111/j.1468-2230. 1987.tb02570. x, ISSN 0026-7961, accessed on 27 Sep 2024

clxxxix <https://www.thelawyerportal.com/blog/the-pros-and-cons-of-having-an-unwritten-Constitution/#>, accessed on 27 Sep 2024

cx <https://www.thelawyerportal.com/blog/how-to-discuss-pm-johnsons-supreme-court-challenge-at-interviews/>, accessed on 27 Sep 2024

cxci <https://www.ucl.ac.uk/Constitution-unit/explainers/what-are-Constitutional-convention>, accessed on 29 Sep 2024

cxcii <https://ohrh.law.ox.ac.uk/the-u-s-Constitution-Constitutional-conventions-and-president-trump/>, accessed on 27 Sep 2024

cxciiii Robert Middlekauff (2005), *The Glorious Cause: The American Revolution, 1763–1789*, Revised and Expanded Edition, Oxford University Press, ISBN 978-0195315882, accessed on 29 Sep 2024

cxciiv <https://www.thelawyerportal.com/blog/the-pros-and-cons-of-having-an-unwritten-Constitution/>, accessed on 29 Sep 2024

cxci <https://theweek.com/european-court-of-human-rights/957456/pros-and-cons-of-the-echr>, accessed on 29 Sep 2024

cxci <https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/463/46308.htm>, accessed on 29 Sep 2024

cxci <https://theweek.com/law/pros-and-cons-of-a-written-Constitution>, accessed on 29 Sep 2024

cxci *Haselgrove, Colin (1 January 2004), Todd, Malcolm (ed.), "Society and Polity in Late Iron Age Britain", A Companion to Roman Britain, Malden, MA, USA: Blackwell Publishing Ltd, pp. 12–29, doi: 10.1002/9780470998861.ch2, ISBN 978-0-470-99886-1, accessed on 29 Sep 2024*

cxci *Gross, Aeyal (1998). "The Politics of Rights in Israeli Constitutional Law". Israel Studies. 3 (2): 80–118. doi:10.2979/ISR.1998.3.2.80, accessed on 29 Sep 2024*

cc *Seidle, F. Leslie; Docherty, David C. (2003). Reforming parliamentary democracy. McGill-Queen's University Press. p. 3. ISBN 9780773525085, accessed on 30 Sep 2024*

cci *AW Bradley, KD Ewing and CJS Knight, Constitutional and Administrative Law (2018) ch 2, 32–48, on historic structure, and devolution, accessed on 30 Sep 2024*

- 
- <sup>ccii</sup> Zachary, Elkins; Ginsburg, Tom; Melton, James (2009). *The Endurance of National Constitutions*. New York: Cambridge University Press, accessed on 30 Sep 2024
- <sup>cciii</sup> *Oxford Handbook of Comparative Constitutional Law*. Oxford University Press. May 17, 2012. ISBN 978-0-19-957861-0, accessed on 30 Sep 2024
- <sup>cciv</sup> "Thomas Jefferson to James Madison". *Popular Basis of Political Authority*. September 6, 1789. pp. 392–97,
- <sup>ccv</sup> Zachary, Elkins; Ginsburg, Tom; Melton, James (2009). *The Endurance of National Constitutions*. New York: Cambridge University Press, accessed on 30 Sep 2024
- <sup>ccvi</sup> Ginsburg, Tom; Zachary, Elkins; Blount, Justin (2009). "Does the Process of Constitution-Making Matter?" (PDF). *University of Chicago Law School*. Chicago, IL: *Annu. Rev. Law Soc. Sci.*5. pp. 201–23, accessed on 30 Sep 2024
- <sup>ccvii</sup> Fowler, Michael Ross; Bunck, Julie Marie (1996). "What constitutes the sovereign state?". *Review of International Studies*. 22 (4). Cambridge University Press (CUP): 381–404. doi:10.1017/s0260210500118637. ISSN 0260-2105, accessed on 30 Sep 2024
- <sup>ccviii</sup> Elizabeth A. Martin (2003). *Oxford Dictionary of Law* (7th ed.). Oxford: Oxford University Press. ISBN 0198607563, accessed on 11 Oct 2024
- <sup>ccix</sup> Zachary, Elkins; Ginsburg, Tom; Melton, James (2009). *The Endurance of National Constitutions*. New York: Cambridge University Press, accessed on 11 Oct 2024
- <sup>ccx</sup> Jordan, Terry L. (2013). *The U.S. Constitution and Fascinating Facts About It* (8th ed.). Naperville, IL: Oak Hill Publishing Company. p. 25, accessed on 11 Oct 2024
- <sup>ccxi</sup> *R (HS2 Action Alliance Ltd) v Secretary of State for Transport* [2014] UKSC 3 Archived March 5, 2017, at the Wayback Machine, accessed on 11 Oct 2024
- <sup>ccxii</sup> [https://www.constituteproject.org/Constitution/Monaco\\_2002](https://www.constituteproject.org/Constitution/Monaco_2002), accessed on 11 Oct 2024
- <sup>ccxiii</sup> Pylee, M.V. (1997). *India's Constitution*. S. Chand & Co., ISBN 978-81-219-0403-2, accessed on 11 Oct 2024
- <sup>ccxiv</sup> Elkins, Zachary; Ginsburg, Tom; Melton, James (2009), "Conceptualizing Constitutions", *The Endurance of National Constitutions*, Cambridge: Cambridge University Press, pp. 36–64, ISBN 978-0-511-81759-5, accessed on 11 Oct 2024
- <sup>ccxv</sup> Jowett, Benjamin (1991) [1st pub. 1888]. *Plato: The Republic*. New York: Vintage Books. ISBN 0-679-73387-6, accessed on 16 Oct 2024
- <sup>ccxvi</sup> McLeisch, Kenneth Cole (1999). *Aristotle: The Great Philosophers*. Routledge. ISBN 978-0-415-92392-7, accessed on 16 Oct 2024
- <sup>ccxvii</sup> Brotton, Jerry (2006). *The Renaissance: a very short introduction* (1. publ ed.). Oxford: Oxford Univ. Press. p. 9. ISBN 978-0-19-280163-0, accessed on 16 Oct 2024
- <sup>ccxviii</sup> Henderson, Conway W. (2010). *Understanding International Law*. Wiley. p. 5. ISBN 978-1-4051-9764-9, accessed on 16 Oct 2024

- 
- <sup>ccxxix</sup> *Vindiciae Contra Tyrannos* (Defense of Liberty Against Tyrants) Archived February 2, 2017, at the Wayback Machine, "Junius Brutus" (Orig. Fr. 1581, Eng. tr. 1622, 1688), accessed on 16 Oct 2024
- <sup>ccxxx</sup> Schultz, Oleg, ed. (14 March 2010), "Scotland and the Commonwealth: 1651–1660", Archontology.org, accessed on 16 Oct 2024
- <sup>ccxxxi</sup> Chisholm, Hugh, ed. (1911). "Filmer, Sir Robert". *Encyclopædia Britannica*. Vol. 10 (11th ed.). Cambridge University Press, accessed on 16 Oct 2024
- <sup>ccxxxii</sup> Hirschmann, Nancy J. (2009). *Gender, Class, and Freedom in Modern Political Theory*. Princeton: Princeton University Press, accessed on 16 Oct 2024
- <sup>ccxxxiii</sup> Boesche, Roger (1990). "Fearing Monarchs and Merchants: Montesquieu's Two Theories of Despotism". *The Western Political Quarterly*. 43 (4): 741–761. doi:10.1177/106591299004300405. JSTOR 448734, accessed on 17 Oct 2024
- <sup>ccxxxiv</sup> Berman, Ric (2012), *The Foundations of Modern Freemasonry: The Grand Architects – Political Change and the Scientific Enlightenment, 1714–1740* (Eastbourne: Sussex Academic Press, 2012), accessed on 19 Oct 2024
- <sup>ccxxxv</sup> <https://onlinebooks.library.upenn.edu/webbin/gutbook/lookup?num=2053>, accessed on 19 Oct 2024
- <sup>ccxxxvi</sup> Hoeveler, David (2000). "Brownson, Orestes Augustus", *American National Biography Online*, accessed on 19 Oct 2024
- <sup>ccxxxvii</sup> Robert, Henry M.; et al. (2011). *Robert's Rules of Order Newly Revised* (11th ed.). Philadelphia, PA: Da Capo Press. pp. xxxiii–xxxiv. ISBN 978-0-306-82020-5, accessed on 19 Oct 2024
- <sup>ccxxxviii</sup> <https://www.scc-csc.ca/judges-juges/spe-dis/bm-2005-12-01-eng.aspx>, accessed on 19 Oct 2024
- <sup>ccxxxix</sup> *Principles of Constitutional Design*, Donald S. Lutz (2006) ISBN 0-521-86168-3, accessed on 19 Oct 2024
- <sup>ccxxx</sup> <https://www.jstor.org/stable/2710904>, accessed on 19 Oct 2024
- <sup>ccxxxxi</sup> *The Paradox of Self-Amendment* Archived September 4, 2006, at the Wayback Machine, by Peter Suber (1990) ISBN 0-8204-1212-0, accessed on 22 Oct 2024
- <sup>ccxxxii</sup> Suber, Peter (2003). "Nomic: A Game of Self-Amendment". *Earlham College*. Archived from the original on 2020-03-03, accessed on 22 Oct 2024
- <sup>ccxxxiii</sup> Weingast, Barry R. (Summer 2005). "The Constitutional Dilemma of Economic Liberty". *Journal of Economic Perspectives*. 19 (3): 89–108. doi:10.1257/089533005774357815, accessed on 22 Oct 2024

---

ccxxxiv González de Lara, Yadira; Greif, Avner; Jha, Saumitra (May 2008). "The Administrative Foundations of Self-Enforcing Constitutions". *The American Economic Review*. 98 (2): 105–109, doi:10.1257/aer.98.2.105, accessed on 22 Oct 2024

ccxxxv <https://www.civilservant.org.uk/information-definitions.html>, accessed on 22 Oct 2024

ccxxxvi "UK Civil Service – Definitions – What is a Civil Servant?". [civilservant.org.uk](http://civilservant.org.uk). Archived from the original on 11 October 2019, accessed on 22 Oct 2024

ccxxxvii McHugh, James T. (2002). *Comparative Constitutional Traditions*. New York: P. Lang, ISBN 0-8204-5800-7, accessed on 22 Oct 2024

ccxxxviii Ulrichsen, Kristian Coates (2018). "Basic law". *A Dictionary of Politics in the Middle East* (1st ed.), Oxford University Press, doi:10.1093/acref/9780191835278.001.0001, ISBN 9780191835278, accessed on 23 Oct 2024

ccxxxix *The New Oxford American Dictionary, Second Edn.*, Erin McKean (editor), 2051 pp., 2005, Oxford University Press, ISBN 0-19-517077-6, accessed on 23 Oct 2024

ccxli Charles E. McLure Jr. "Taxation". *Encyclopædia Britannica*. Retrieved 3 March 2015, accessed on 23 Oct 2024

ccxlii David F. Burg (2004). *A World History of Tax Rebellions*. Taylor & Francis. pp. vi–viii. ISBN 9780415924986, accessed on 23 Oct 2024

ccxliii Olmert, Michael (1996). *Milton's Teeth and Ovid's Umbrella: Curiouser & Curiouser Adventures in History*, p. 41. Simon & Schuster, New York. ISBN 0-684-80164-7, accessed on 23 Oct 2024

ccxliv McCluskey, William J.; Franzsen, Riël C. D. (2005). *Land Value Taxation: An Applied Analysis*. Ashgate Publishing, Ltd. p. 4. ISBN 978-0-7546-1490-6, accessed on 23 Oct 2024

ccxlv Avi-Yonah, Reuven S.; Slemrod, Joel B. (April 2002). "Why Tax the Rich? Efficiency, Equity, and Progressive Taxation". *The Yale Law Journal*. 111 (6): 1391–416. doi:10.2307/797614, accessed on 23 Oct 2024

ccxlvi R. C. S. Trahair (2004). *Encyclopedia of Cold War espionage, spies, and secret operations*. Greenwood Publishing Group. pp. 333. ISBN 978-0-313-31955-6, accessed on 27 Aug 2024

ccxlvii Postgate, J.N. (1992). *Early Mesopotamia Society and Economy at the Dawn of History*. Routledge. p. 242. ISBN 0-415-11032-7, accessed on 27 Aug 2024

ccxlviii "Conscription". Merriam-Webster Online, accessed on 27 Aug 2024

ccxlix Attenborough, F. L. (1922). *Laws of the Earliest English Kings*. Cambridge University Press. ISBN 9780404565459, accessed on 27 Aug 2024

---

<sup>ccxlix</sup> Slavin, David Henry (2001). *Colonial Cinema and Imperial France, 1919–1939: White Blind Spots, Male Fantasies, Settler Myths*. JHU Press. p. 140. ISBN 978-0-8018-6616-6, accessed on 27 Aug 2024

<sup>cccl</sup> Stephen Blake Boyd; W. Merle Longwood; Mark William Muesse, eds. (1996). *Redeeming men: religion and masculinities*. Westminster John Knox Press. p. 17. ISBN 978-0-664-25544-2, accessed on 27 Aug 2024

<sup>cccli</sup> Asal, Victor; Conrad, Justin; Toronto, Nathan (2017-08-01). "I Want You! The Determinants of Military Conscription". *Journal of Conflict Resolution*. 61 (7): 1456–1481. doi:10.1177/0022002715606217. ISSN 0022-0027, accessed on 27 Aug 2024

<sup>ccclii</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>,

<sup>cccliii</sup>

<https://web.archive.org/web/20150427124817/http://www.opednews.com/populum/pagem.php?f=Confessions-of-a-Military-by-Richard-Wilson-100428-533.html>, accessed on 23 Oct 2024

<sup>cccliv</sup> McNair, Donald (2008) *A Pacifist at War: Military Memoirs of a Conscientious Objector in Palestine 1917–1918* Anastasia Press, Much Hadham ISBN 978-0-9536396-1-8, accessed on 25 Oct 2024

<sup>ccclv</sup> Smith, C. Henry (1981). *Smith's Story of the Mennonites*. Revised and expanded by Cornelius Krahn. Newton, Kansas: Faith and Life Press. pp. 299–300, 311. ISBN 0-87303-069-9, accessed on 25 Oct 2024

<sup>ccclvi</sup> <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=16909&lang=en>, accessed on 25 Oct 2024

<sup>ccclvii</sup> Ben-Naftali, Orna (2011). *International Humanitarian Law and International Human Rights Law*. Oxford University Press. ISBN 978-0-19-100160-4, accessed on 27 Aug 2024

<sup>ccclviii</sup> <https://www.ohchr.org/en/hr-bodies/hrc/about-council>, accessed on 27 Aug 2024

<sup>ccclix</sup>

<https://web.archive.org/web/20201127140337/https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-10-reduced-inequalities/targets.html>, accessed on 16 Aug 2024

<sup>ccclx</sup> McBride, Jeremy (2005). *Freedom of Association, The Essentials of Human Rights*, London: Hodder Arnold, accessed on 16 Aug 2024

<sup>ccclxi</sup> [https://en.wikipedia.org/wiki/Universal\\_Declaration\\_of\\_Human\\_Rights](https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights), accessed on 16 Aug 2024

<sup>ccclxii</sup> Smith, David (5 February 2006). "Timeline: a history of free speech". *The Guardian*. London, accessed on 16 Aug 2024

---

cclxiii van Mill, David (1 January 2016). "Freedom of Speech". In Zalta, Edward N. (ed.). *The Stanford Encyclopedia of Philosophy* (Fall 2016 ed.), accessed on 16 Aug 2024

cclxiv Raaflaub, Kurt; Ober, Josiah; Wallace, Robert (2007). *Origins of democracy in ancient Greece*. University of California Press, ISBN 978-0-520-24562-4, accessed on 19 Aug 2024

cclxv Glendon, Mary Ann (July 2004). "The Rule of Law in The Universal Declaration of Human Rights". *Northwestern University Journal of International Human Rights*. 2 (5). Archived from the original on 20 July 2011, accessed on 16 Aug 2024

cclxvi Dowty, Alan, *Closed Borders: the Contemporary Assault on Freedom of Movement*. Yale University Press, 1989, accessed on 19 Aug 2024

cclxvii Kreimer, Seth F. "The Law of Choice and Choice of Law: Abortion, the Right to Travel, and Extraterritorial Regulation in American Federalism". *New York University Law Review*. 67:451 (June 1992), accessed on 19 Aug 2024

cclxviii Lukina, Anna (2017). "Soviet Union and the Universal Declaration of Human Rights". *SSRN Electronic Journal*. Elsevier. doi:10.2139/ssrn.2952292. ISSN 1556-5068, accessed on 19 Aug 2024

cclxix Habicht, Jasper (2 January 2019). "Exit restrictions in the context of Chinese civil litigation". *Asia Pacific Law Review*. 27 (1): 83–101. doi:10.1080/10192557.2019.1651486. ISSN 1019-2557, accessed on 19 Aug 2024

cclxx Main, T. F. (1967-06-01). "Knowledge, Learning and Freedom from Thought". *Australian & New Zealand Journal of Psychiatry*. 1 (2): 64–71. doi:10.3109/00048676709159167. ISSN 0004-8674, accessed on 29 Aug 2024

cclxxi Swaine, Lucas (2016-11-09). "Freedom of Thought as a Basic Liberty". *Political Theory*. 46 (3): 405–425. doi:10.1177/0090591716676293. ISSN 0090-5917, accessed on 29 Aug 2024

cclxxii "General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), 30/07/93. CCPR/C/21/Rev.1/Add.4, General Comment No. 22. (General Comments)". *United Nations Human Rights Website – Treaty Bodies Database*. Office of the United Nations High Commissioner for Human Rights. 1993-07-30, accessed on 29 Aug 2024

cclxxiii <https://rightstracker.org>, accessed on 29 Aug 2024

cclxxiv Cory Janssen, "What is Communication Media? - Definition from Techopedia", *Techopedia.com*. Archived from the original on 2017-04-03, accessed on 29 Aug 2024

cclxxv <https://freedomhouse.org/report/freedom-press/freedom-press-2015>, accessed on 29 Aug 2024

cclxxvi [https://unesdoc.unesco.org/ark:/48223/pf0000261065\\_eng](https://unesdoc.unesco.org/ark:/48223/pf0000261065_eng), accessed on 29 Aug 2024

- 
- cclxxvii <https://www.un.org/ruleoflaw/sdg-16/>, accessed on 29 Aug 2024
- cclxxviii <https://cpj.org/reports/2019/12/journalists-killed-murdered-syria-mexico-impunity/>, accessed on 30 Aug 2024
- cclxxix CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)"on 30 July 1993, accessed on 16 Oct 2024
- cclxxx <https://hudoc.echr.coe.int/eng#>, accessed on 16 Oct 2024
- cclxxxi Rosentiel, Tom (3 December 2007). "Religion and Secularism: The American Experience". Pew Research Center,
- cclxxxii Congress, U. S. (2008). Congressional Record #29734 – 19 November 2003. U.S. Government Printing Office. ISBN 978-0160799563, accessed on 16 Oct 2024
- cclxxxiii <https://religiousfreedominstitute.org/what-in-the-world-is-religious-freedom/>, accessed on 16 Oct 2024
- cclxxxiv Smith, George H. (2008). "Religion and Liberty". In Hamowy, Ronald (ed.). The Encyclopedia of Libertarianism. Thousand Oaks, CA: Sage; Cato Institute, doi:10.4135/9781412965811.n258. ISBN 978-1412965804, accessed on 16 Oct 2024
- cclxxxv <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>,
- cclxxxvi <https://www.refworld.org/legal/agreements/unga/1966/en/33423>, accessed on 19 Oct 2024
- cclxxxvii UN General Assembly (21 December 1965). "International Convention on the Elimination of All Forms of Racial Discrimination". United Nations Treaty Series. 660: 195, accessed on 19 Oct 2024
- cclxxxviii [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en), accessed on 19 Oct 2024
- cclxxxix <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>, accessed on 19 Oct 2024
- ccxc Taylor, Charles (1985). "What's Wrong with Negative Liberty". Philosophical Papers: Volume 2, Philosophy and the Human Sciences. Cambridge: Cambridge University Press. pp. 211–229. ISBN 978-0521317498,
- ccxci <https://civilrights.org/value/voting-rights/>, accessed on 19 Oct 2024
- ccxcii <https://www.lloydlawcollege.edu.in/blog/right-to-vote-Constitutional-or-fundamental-right.html>, accessed on 19 Oct 2024
- ccxciii <https://www.democracymonitor.com/analysis/what-does-the-Constitution-say-about-the-right-to-vote/>, accessed on 19 Oct 2024
- ccxciv <https://fra.europa.eu/en/eu-charter/article/1-human-dignity>, accessed on 19 Oct 2024

---

ccxcv <https://www.linkedin.com/pulse/right-human-dignity-brief-analysis-victor-obinnachukwuma>, accessed on 19 Oct 2024

ccxcvi Haviland, William A.; Prins, Harald E.L.; McBride, Bunny; Walrath, Dana (2011). "Chapter 9: Sex, Marriage, and Family". *Cultural Anthropology: The Human Challenge* (13th ed.). Cengage Learning. p. 209. ISBN 978-0-495-81178-7, accessed on 21 Oct 2024

ccxcvii Ember CR, Gonzalez B, McCloskey D (16 July 2021), Ember CR (ed.), "Marriage and Family" (PDF), *Explaining Human Culture (Topical summary)*, New Haven, Ct.: Human Relations Area Files, accessed on 21 Oct 2024

ccxcviii <http://www.freedomtomarry.org/pages/how-it-happened#section-3>, accessed on 21 Oct 2024

ccxcix <https://www.parliament.uk/briefing-papers/sn03372/>, accessed on 21 Oct 2024

ccc Solernou, Daniel J. (2016). "Common-Law Marriage". *Encyclopedia of Family Studies*: 1–2. doi:10.1002/9781119085621.wbef301. ISBN 9780470658451, accessed on 21 Oct 2024

ccci <https://www.familymaking.com/start-your-family>, accessed on 21 Oct 2024

ccci Cvetic, Goran (1987). "Immigration Cases in Strasbourg: The Right to Family Life Under Article 8 of the European Convention". *International and Comparative Law Quarterly*. 36 (3): 650. doi:10.1093/iclqaj/36.3.647, accessed on 21 Oct 2024

ccciii Melehi, Nadia (2014). "The right to family life free from discrimination on the basis of sexual orientation: the European and Inter-American perspectives". *American University International Law Review*. 29: 954, accessed on 21 Oct 2024

ccciv Universal Declaration on Human Rights, Article 16(3) accessed at <<http://www.un.org/en/universal-declaration-human-rights/>, accessed on 21 Oct 2024

cccv Burchill, Richard (2003). "The Right to Live Wherever You Want? The Right to Family Life following the UN Human Rights Committee's Decision in Winata". *Netherlands Quarterly of Human Rights*. 21 (2): 225. doi:10.1177/016934410302100204, accessed on 21 Oct 2024

cccvi Cooper, Sarah Lucy (2011). "Marriage, Family, Discrimination & Contradiction: An Evaluation of the Legacy and Future of the European Court of Human Rights' Jurisprudence on LGBT Rights". *German Law Journal*. 12 (10): 1746–1763. doi:10.1017/S2071832200017545, accessed on 22 Oct 2024

cccvii Ivana Roagna "Protecting the right to respect for private and family life under the European Convention on Human Rights" (2012) *Council of Europe Human Rights Handbooks*, at 30, accessed on 22 Oct 2024

cccviii Adam McBeth, Justine Nolan and Simon Rice *The International Law of Human Rights* (Oxford University Press, Australia, 2011) at 251, accessed on 22 Oct 2024

- 
- cccix "United Nations Treaty Collection". [treaties.un.org](https://treaties.un.org), accessed on 22 Oct 2024
- cccx <https://www.bih.org.uk/get-informed/what-rights-do-i-have/the-right-to-marry-and-start-a-family>, accessed on 22 Oct 2024
- cccxi <https://www.qhrc.qld.gov.au/your-rights/human-rights-law/right-to-liberty-and-security-of-person#:~:text=>, accessed on 22 Oct 2024
- cccxi Anagnostou, Dia (30 April 2013). *European Court of Human Rights: Implementing Strasbourg's Judgments on Domestic Policy*. Edinburgh University Press, ISBN 978-0-7486-7058-1, accessed on 22 Oct 2024
- cccxi Richard Sorabji, (2005), *The Philosophy of the Commentators, 200–600 AD: Psychology (with Ethics and Religion)*, Cornell University Press, accessed on 23 Oct 2024
- cccxiv Lerch, Julia C.; Frank, David John; Schofer, Evan (2024). "The Social Foundations of Academic Freedom: Heterogeneous Institutions in World Society, 1960 to 2022". *American Sociological Review*. 89: 88–125. doi:10.1177/00031224231214000, accessed on 23 Oct 2024
- cccxv <https://www.britannica.com/topic/academic-freedom>, accessed on 23 Oct 2024
- cccxvi 1940 Statement of Principles on Academic Freedom and Tenure, American Association of University Professors and of the Association of American Colleges, 10 July 2006, accessed on 23 Oct 2024
- cccxvii Audretsch, David et al, (2023). "Academic freedom and innovation: A research note". SSRN: 1. arXiv:2303.06097. doi:10.2139/ssrn.4384419, accessed on 23 Oct 2024
- cccxviii <https://www.fairtrials.org/the-right-to-a-fair-trial/#:~:text=>, accessed on 25 Oct 2024
- cccxix <https://www.fairtrials.org/the-right-to-a-fair-trial/the-rights-of-accused-people/>, accessed on 25 Oct 2024
- cccxx <https://blast.org.bd/focus-areas/right-to-fair-trial/>, accessed on 25 Oct 2024
- cccxxi <https://www.cilvektiesibugids.lv/en/rights/right-to-a-fair-trial>, accessed on 25 Oct 2024
- cccxxii <https://www.ruleoflaw.org.au/principles/fair-and-prompt-trial/>, accessed on 25 Oct 2024
- cccxxiii <https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300012002en.pdf>, accessed on 25 Oct 2024
- cccxxiv <https://www.un.org/en/events/righttodevelopment/>, accessed on 27 Oct 2024
- cccxxv "Personal Development | definition in the Cambridge English Dictionary". [dictionary.cambridge.org](https://dictionary.cambridge.org), accessed on 27 Oct 2024

---

<sup>cccxxvi</sup> Meng, Wenting (2024). *Developmental Peace: Theorizing China's Approach to International Peacebuilding*. Ibidem. Columbia University Press. ISBN 9783838219073, accessed on 27 Oct 2024

<sup>cccxxvii</sup> [https://www.un.org/en/events/righttodevelopment/pdf/rtd\\_at\\_a\\_glance.pdf](https://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf), accessed on 27 Oct 2024

<sup>cccxxviii</sup> Bob Aubrey (2010), *Managing Your Aspirations: Developing Personal Enterprise in the Global Workplace*. McGraw-Hill, ISBN 978-0071311786, accessed on 27 Oct 2024

<sup>cccxxix</sup> J Marshall, "The legal recognition of personality: full-face veils and permissible choice", *International Journal of Law in Context*, Cambridge University Press, 2014, accessed on 27 Oct 2024

<sup>cccxxx</sup>

<https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-733>, accessed on 29 Oct 2024

<sup>cccxxxi</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000232563>, accessed on 29 Oct 2024

<sup>cccxxxii</sup> *World Trends in Freedom of Expression and Media Development Global Report 2017/2018*. UNESCO. 2018. Archived from the original on 10 May 2021, accessed on 29 Oct 2024

<sup>cccxxxiii</sup> Schapper, Jake H. M.; McLeod, Sam; Hedgcock, Dave; Babb, Courtney (8 December 2020). "Freedom of Information for Planning Research and Practice in Australia: Examples, Implications, and Potential Remedies". *Urban Policy and Research*. 39: 106–119. doi:10.1080/08111146.2020.1853522. ISSN 0811-1146, accessed on 29 Oct 2024

<sup>cccxxxiv</sup> Klang, Mathias; Murray, Andrew (2005). *Human Rights in the Digital Age*. Routledge. ISBN 9781904385318. Archived from the original on 17 January 2023, accessed on 29 Oct 2024

<sup>cccxxxv</sup> Wells, John C. (2008). *Longman Pronunciation Dictionary* (3rd ed.). Longman. ISBN 978-1-4058-8118-0, accessed on 29 Oct 2024

<sup>cccxxxvi</sup> Alibeigi, Ali; Munir, Abu Bakar; Karim, Md. Ershadul (2019). "Right to Privacy, A Complicated Concept to Review". *SSRN Electronic Journal*. doi:10.2139/ssrn.3537968. ISSN 1556-5068, accessed on 29 Oct 2024

<sup>cccxxxvii</sup> DeCew, Judith (2015), "Privacy", in Zalta, Edward N.; Nodelman, Uri (eds.), *The Stanford Encyclopedia of Philosophy* (Spring 2015 ed.), Metaphysics Research Lab, Stanford University, accessed on 30 Oct 2024

<sup>cccxxxviii</sup> <https://www.psupress.org/books/titles/978-0-271-03685-4.html>, accessed on 29 Oct 2024

<sup>cccxxxix</sup> <https://www.constituteproject.org/Constitutions?key=privacy>,

---

<sup>cccxi</sup> Zhang, Angela Huyue (2024). *High Wire: How China Regulates Big Tech and Governs Its Economy*. Oxford University Press. ISBN 9780197682258, accessed on 30 Oct 2024

<sup>cccxi</sup> James Griffin (1 November 2007). "The Human Right to Privacy" (PDF). *San Diego Law Review*, accessed on 30 Oct 2024

<sup>cccxlii</sup> Yilma, Kife (5 January 2023). *Privacy and the Role of International Law in the Digital Age*. New York, United States: Oxford University Press. ISBN 9780192887290, accessed on 30 Oct 2024

<sup>cccxlili</sup> Personal rights Definition & Meaning - Merriam-Webster, accessed on 30 Oct 2024

<sup>cccxliv</sup> Johnson, Deborah (2009). Beauchamp; Bowie; Arnold (eds.). *Ethical theory and business* (8th ed.). Upper Saddle River, NJ: Pearson/Prentice Hall. pp. 428–442. ISBN 978-0136126027, accessed on 30 Oct 2024

<sup>cccxlv</sup> Regan, P. M. (1995). *Legislating Privacy: Technology, social values, and public policy*. Chapel Hill: The University of North Carolina Press, accessed on 01 Nov 2024

<sup>cccxlvi</sup> Conroy, Amy M. (2012). "Protecting Your Personality Rights in Canada: A Matter of Property or Privacy?". *Western Journal of Legal Studies*. 1 (1). University of Western Ontario, accessed on 01 Nov 2024

<sup>cccxlvii</sup> [https://foundation.wikimedia.org/wiki/Policy:Privacy\\_policy](https://foundation.wikimedia.org/wiki/Policy:Privacy_policy), accessed on 01 Nov 2024

<sup>cccxlviii</sup> Carozza PG "Human Dignity in Constitutional Adjudication" in Ginsburg T and Dixon R *Comparative Constitutional Law* (Edgar Elgar Cheltenham 2011), accessed on 01 Nov 2024

<sup>cccxlxi</sup> Garner, Bryan A. (2001) [1995]. *A Dictionary of Modern Legal Usage* (2nd, revised ed.). New York: Oxford University Press, ISBN 9780195077698, accessed on 01 Nov 2024

<sup>cccl</sup> Martin, David A. (Spring 2005). "Dual Nationality: TR's 'Self-Evident Absurdity'". *UVA Lawyer*, accessed on 01 Nov 2024

<sup>cccli</sup> Rice, Daniel (2011). "The 'Uniform Rule' and its exceptions: a history of Congressional naturalization legislation" (PDF). *Ozark Historical Review*. 40. Archived from the original (PDF) on 2013-03-05, accessed on 01 Nov 2024

<sup>ccclii</sup> Thomas Alexander Aleinikoff, Douglas B. Klusmeyer (2001). *Citizenship today: global perspectives and practices*. Brookings Institution Press, ISBN 978-0-87003-184-7, accessed on 01 Nov 2024

<sup>cccliii</sup> "Children's Rights" Archived 2008-09-21 at the Wayback Machine, Amnesty International, accessed on 01 Nov 2024

<sup>cccliv</sup> Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 02 Sep 1990, accessed on 02 Nov 2024

---

ccclv Manhire, Vanessa, ed. (2019). "United Nations Handbook 2019–20" (PDF). United Nations Handbook: An Annual Guide for Those Working within the United Nations (57th ed.). Wellington: Ministry of Foreign Affairs and Trade of New Zealand: 293–294. ISSN 0110-1951, accessed on 02 Nov 2024

ccclvi United Nations (1989). "Chapter IV. Human Rights. 11) Convention on the Rights of the Child" in: United Nations Treaty Collection. Depository. Status of Treaties, accessed on 02 Nov 2024

ccclvii Office of the High Commissioner for Human Rights (ed.). "Committee on the Rights of the Child. Monitoring children's rights". www.ohchr.org. Archived from the original on 13 August 2020, accessed on 02 Nov 2024

ccclviii [https://www.osbar.org/public/legalinfo/1021\\_debtorsrights.htm](https://www.osbar.org/public/legalinfo/1021_debtorsrights.htm), accessed on 02 Nov 2024

ccclix [https://Constitution.congress.gov/browse/essay/amdt14-S4-1/ALDE\\_00000849/](https://Constitution.congress.gov/browse/essay/amdt14-S4-1/ALDE_00000849/), accessed on 02 Nov 2024

ccclx [https://www.juridicainternational.eu/article\\_full.php?uri=2002\\_VII%20\\_150\\_on-effect-of-Constitution-on-bankruptcy-law](https://www.juridicainternational.eu/article_full.php?uri=2002_VII%20_150_on-effect-of-Constitution-on-bankruptcy-law), accessed on 02 Nov 2024

ccclxi Goldstone, Jack (2001). "Towards a Fourth Generation of Revolutionary Theory". Annual Review of Political Science. 4: 139–187, accessed on 02 Nov 2024

ccclxii Fukuyama, Francis (1992). The End of History and the Last Man. Penguin. ISBN 978-0-140-13455-1, accessed on 02 Nov 2024

ccclxiii Getachew, Adom (2019). Worldmaking After Empire: The Rise and Fall of Self-Determination. Princeton University Press. ISBN 978-0-691-17915-5, accessed on 02 Nov 2024

ccclxiv Gunitsky, Seva (2018). "Democratic Waves in Historical Perspective". Perspectives on Politics. 16 (3): 634–651. doi:10.1017/S1537592718001044. ISSN 1537-5927, accessed on 02 Nov 2024

ccclxv Perry, Elizabeth (2002). Challenging the Mandate of Heaven: Social Protest and State Power in China. Sharpe. ISBN 0-7656-0444-2, accessed on 02 Nov 2024

ccclxvi <https://www.aei.org/articles/is-there-an-american-right-of-revolution/>, accessed on 02 Nov 2024

ccclxvii <https://www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/right-revolution>, accessed on 03 Nov 2024

ccclxviii Johnson, David T.; Zimring, Franklin E. (2009). The Next Frontier: National Development, Political Change, and the Death Penalty in Asia. Oxford University Press. ISBN 978-0-19-533740-2, accessed on 03 Nov 2024

---

ccclxix Fowler, H. W. (14 October 2010). *A Dictionary of Modern English Usage: The Classic First Edition*. OUP Oxford. p. 310. ISBN 978-0-19-161511-5, accessed on 03 Nov 2024

ccclxx Solomon, Martha. "The Rhetoric of Right to Life: Beyond the Court's Decision" Archived 2009-07-24 at the Wayback Machine Paper presented at the Southern Speech Communication Association (Atlanta, Georgia, April 4–7, 1978), accessed on 03 Nov 2024

ccclxxi Sandler, Ronald L. (2014). *Food Ethics: The Basics*. London: Taylor & Francis. p. 142. ISBN 978-1-135-04547-0, accessed on 03 Nov 2024

ccclxxii <https://www.merriam-webster.com/dictionary/amendment>, accessed on 04 Nov 2024

ccclxxiii "Definition of Plebiscite". Oxford Dictionaries. Archived from the original on July 12, 2012, accessed on 04 Nov 2024

ccclxxiv Ferguson, Yale; Mansbach, Richard W. (1996). "Politics: Authority, Identities, and Change". Columbia, South Carolina: University of South Carolina Press, accessed on 04 Nov 2024

ccclxxv oel Colón-Ríos (2012). *Weak Constitutionalism: Democratic Legitimacy and the Question of Constituent Power*, ISBN 978-0415671903, accessed on 04 Nov 2024

ccclxxvi The Paradox of Self-Amendment Archived September 4, 2006, at the Wayback Machine, by Peter Suber (1990) ISBN 0-8204-1212-0, accessed on 04 Nov 2024

ccclxxvii "Electorate, n.", in OED Online, Oxford, Oxfordshire: Oxford University Press, September 2022, accessed on 04 Nov 2024

ccclxxviii Green, Antony (12 August 2015), "Plebiscite or Referendum – What's the Difference". ABC. Archived from the original on 13 August 2015, accessed on 04 Nov 2024

ccclxxix Schermers, Henry G.; Blokker, Niels M. (2011), *International Institutional Law: Unity Within Diversity* (Fifth Revised ed.). Leiden, The Netherlands: Martinus Nijhoff Publishers. pp. 561–563. ISBN 978-90-04-18798-6, accessed on 04 Nov 2024

ccclxxx Robert, Henry M.; et al. (2011). *Robert's Rules of Order Newly Revised* (11th ed.). Philadelphia: Da Capo Press. p. 401. ISBN 978-0-306-82020-5, accessed on 04 Nov 2024

ccclxxxi <https://www.trumanlibrary.gov/education/three-branches/amendment-process>, accessed on 04 Nov 2024

ccclxxxii <https://www.archives.gov/federal-register/Constitution>, accessed on 04 Nov 2024

ccclxxxiii Guidance Note of the Secretary-General on Democracy, pp. 2-8; Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance, pp. 4-7; Guidance Note of the Secretary-General: United Nations Assistance to Constitution-making Processes, Commission on Human Rights resolution 2002/46, accessed on 04 Nov 2024

---

<sup>cccclxxxiv</sup> World Bank, *Governance: The World Bank's Experience* (Washington, DC, 1994), accessed on 04 Nov 2024

<sup>cccclxxxv</sup> United Nations Viet Nam, "Human rights and the human rights-based approach". Available from [www.un.org.vn/en/what-we-do-mainmenu-203/cross-cutting-themes-human-rights.html](http://www.un.org.vn/en/what-we-do-mainmenu-203/cross-cutting-themes-human-rights.html), accessed on 04 Nov 2024

<sup>cccclxxxvi</sup> y Raub and others, "Constitutional rights of persons with disabilities: An analysis of 193 national Constitutions", *Harvard Human Rights Journal*, vol. 29 (Spring 2016), accessed on 04 Nov 2024

<sup>cccclxxxvii</sup> OHCHR, Fact Sheet No. 33: Frequently Asked Questions on Economic, Social and Cultural Rights (New York and Geneva, 2008); and OHCHR, Fact Sheet No. 16 (Rev. 1): The Committee on Economic, Social and Cultural Rights (New York and Geneva, 1996), accessed on 04 Nov 2024

<sup>cccclxxxviii</sup> <https://www.intechopen.com/chapters/87666>,

<sup>cccclxxxix</sup> Principles relating to the status of national institutions (Paris Principles), adopted by the General Assembly in its resolution A/RES/48/134 of 20 December 1993, accessed on 04 Nov 2024

<sup>cccxc</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, accessed on 04 Nov 2024

<sup>cccxc</sup>i See United Nations Development Group, *Interim United Nations Development Assistance Framework Guidance* (2016), accessed on 04 Nov 2024

<sup>cccxc</sup>ii

[https://www.ohchr.org/sites/default/files/Documents/Publications/ConstitutionMaking\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/ConstitutionMaking_EN.pdf), accessed on 04 Nov 2024

<sup>cccxc</sup>iii Jobson, Adrian (2012). *The First English Revolution: Simon de Montfort, Henry III and the Barons' War*. Bloomsbury. pp. 173–4, ISBN 978-1-84725-226-5, accessed on 01 Nov 2024

<sup>cccxc</sup>iv Cicero, Marcus Tullius (2011). *De Oratore*. Cambridge University Press. ISBN 9780521593601, accessed on 01 Nov 2024

<sup>cccxc</sup>v Oliver, Dawn (2 April 2013). "Parliamentary Sovereignty in Comparative Perspective". *UK Constitutional Law Association Blog*, accessed on 01 Nov 2024

<sup>cccxc</sup>vi Goss, Ryan (13 September 2021). "What Do Australians Talk About When They Talk About 'Parliamentary Sovereignty'?". *Public Law (SSRN Version Not Final Version; Final Version Published as \*[2022] Public Law 55-75\**. Sweet & Maxwell, SSRN 3928295, accessed on 01 Nov 2024

<sup>cccxc</sup>vii International Bureau of Weights and Measures (2006), *The International System of Units (SI) (PDF)* (8th ed.), pp. 121, 122, ISBN 92-822-2213-6, accessed on 01 Nov 2024

---

<sup>cccxcviii</sup> "Emergency Declarations and Authorities Fact Sheet | State Public Health | ASTHO". [www.astho.org](http://www.astho.org). Archived from the original on 1 January 2021, accessed on 01 Nov 2024

<sup>cccxcix</sup> Bell, John; Boyron, Sophie; Whittaker, Simon (27 March 2008). *Principles of French Law*. Oxford University Press, accessed on 01 Nov 2024

<sup>cd</sup> "Loi n°55-385 du 3 avril 1955 instituant un état d'urgence et en déclarant l'application en Algérie" (in French). [Legifrance.gouv.fr](http://Legifrance.gouv.fr). Archived from the original on 30 April 2011, accessed on 01 Nov 2024

<sup>cdi</sup> Diehl, Katharina; van der Horst, Judith (2013). "The New Electoral Law in South Sudan". *Law and Politics in Africa, Asia and Latin America*. 46 (2): 215–233, accessed on 01 Nov 2024

<sup>cdii</sup> Sundquist, James L. (1997). "The U.S. Presidential System as a Model for the World". In Baaklini, Abdo I.; Desfosses, Helen (eds.), *Designs for Democratic Stability: Studies in Viable Constitutionalism*, Routledge, pp. 53–72, ISBN 0765600528, accessed on 01 Nov 2024

<sup>cdiii</sup> "Varieties of public representation". *Political Representation*. Cambridge University Press. 2010. ISBN 978-0521128650, accessed on 01 Nov 2024

<sup>cdiv</sup> "The Decreta of León of 1188 – The oldest documentary manifestation of the European parliamentary system". *UNESCO Memory of the World*. 2013. Archived from the original on 24 June 2016, accessed on 01 Nov 2024

<sup>cdv</sup> Blaustein, Albert (January 1993). *Constitutions of the World*. Fred B. Rothman & Company. ISBN 978-0-8377-0362-6, accessed on 01 Nov 2024

<sup>cdvi</sup> Fritze, Ronald H. & Robison, William B. (1996). *Historical Dictionary of Stuart England, 1603–1689*, Greenwood Publishing Group, ISBN 0-313-28391-5, accessed on 01 Nov 2024

<sup>cdvii</sup> Kyriaki Topidi and Alexander H.E. Morawa (2010). *Constitutional Evolution in Central and Eastern Europe (Studies in Modern Law and Policy)*, Ashgate Publishing, ISBN 978-1409403272, accessed on 01 Nov 2024

<sup>cdviii</sup> Dudley Odell McGovney, "The British Origin of Judicial Review of Legislation", *University of Pennsylvania Law Review* vol. 93, no. 1, 1–49, accessed on 01 Nov 2024

<sup>cdix</sup> Wenar, Leif (July 9, 2007), "Rights", *Stanford Encyclopedia of Philosophy*. Stanford University,

<sup>cdx</sup> <https://iep.utm.edu/hum-rts/>, accessed on 01 Nov 2024

<sup>cdxi</sup> Stevenson, Angus; Lindberg, Christine A., eds. (2010-01-01), "New Oxford American Dictionary", Oxford Reference, ISBN 978-0-19-539288-3, accessed on 01 Nov 2024

---

cdxii Jeremy McBride, Freedom of Association, in *The Essentials of... Human Rights*, Hodder Arnold, London, 2005, pp. 18–20, accessed on 01 Nov 2024

cdxiii Elkins, Zachary; Ginsburg, Tom; Melton, James (2009), "Conceptualizing Constitutions", *The Endurance of National Constitutions*, Cambridge: Cambridge University Press, pp. 36–64, ISBN 978-0-511-81759-5, accessed on 01 Nov 2024

cdxiv Riksdagsförvaltningen, "Kungörelse (1974:152) om beslutad ny regeringsform Svensk författningssamling 1974:1974:152 t.o.m. SFS 2018:1903 - Riksdagen". [www.riksdagen.se](http://www.riksdagen.se) (in Swedish), accessed on 01 Nov 2024

cdxv "Constitution of Bangladesh: Chapter III". Prime Minister's Office. Archived from the original on 24 May 2013,

cdxvi

[https://www.senato.it/application/xmanager/projects/leg18/file/sartori\\_biobibliografia\\_def.pdf](https://www.senato.it/application/xmanager/projects/leg18/file/sartori_biobibliografia_def.pdf), accessed on 01 Nov 2024

cdxvii Glendon, Mary Ann (2001). *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House of Canada Ltd. ISBN 0375506926, accessed on 01 Nov 2024

cdxviii Boer, Roland (2017), *Stalin : from theology to the philosophy of socialism in power*. Singapore: Springer. ISBN 978-981-10-6367-1. OCLC 1007090474, accessed on 01 Nov 2024

cdxix Lih, Lars T. (1990). "8 Leaving Troubled Times". *Bread and Authority in Russia, 1914-1921*. UC Press E-Books Collection, 1982-2004, accessed on 01 Nov 2024

cdxx The Free Dictionary Russian Soviet Federated Socialist Republic Archived 13 August 2011 at the Wayback Machine. [encyclopedia2.thefreedictionary.com](http://encyclopedia2.thefreedictionary.com), accessed on 01 Nov 2024

cdxxi Kosing, Alfred [in German] (2016). "Stalinismus". *Untersuchung von Ursprung, Wesen und Wirkungen ["Stalinism". Investigation of origin, essence and effects]* (in German). Berlin: Verlag am Park. ISBN 978-3-945187-64-7, accessed on 01 Nov 2024

cdxxii <https://www.undp.org/sites/g/files/zskgke326/files/2023-10/undp-protecting-human-rights-in-Constitutions.pdf>,