

## Development of Human Rights: An Introduction

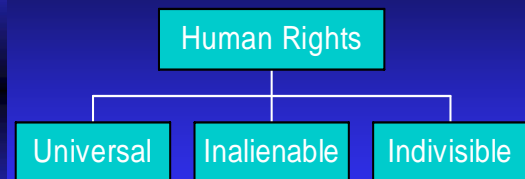
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## Introduction

- Describing Human Rights
- Ideas on Human Rights
- Early legal developments
- World War II & its aftermath

## Describing Human Rights

- Rights every individual possesses simply by virtue of being a human being
- They are **inherent** in human beings
- The human person is in itself a source of rights independent of state authority
- Human rights are not granted by the State nor acquired by agreement



- **Universal:** Human Rights belong to every human being in the same way and to the same degree
- **Indivisible:** Every right forming part of human rights is equally important, deserves equal protection and promotion
- **Inalienable:** Human rights may not be given away by their owner

## Ideas on Human Rights

- Human rights have existed ever since humanity itself came into being
- All the major religions of the world have had important and positive things to say about human rights
- Philosophers from various periods & civilizations contributed interesting ideas to human rights

Mo-zi, Chinese, 470BC-390BC, an individual owes respect to all other individuals and not only to his family or clan but universally throughout the world

Cicero, Roman, 106BC-43BC, Justice consists in doing no injury to men; decency in giving them no offense.

Al-Farabi, Persian, 870-950, the perfect city is a society in which all individuals are endowed with rights and live in love and charity with their neighbours.

## Early Legal Developments

- Traditionally international law had no place for individuals who had no rights under international law but, equally, no responsibilities
- International Law was referred to as The Law of Nations and concerned itself only with regulating relations between States.

- The accepted doctrine was that the state was absolutely sovereign within its borders
- Treatment of its citizens was purely a matter of domestic jurisdiction and hence of domestic law.
- The efforts to render slavery and the slave trade illegal throughout the world was a 1<sup>st</sup> effort to break this absolute sovereignty

- The end of the First World War and the establishment of the League of Nations aided this development.
- The League adopted a minorities regime and the ILO was established.
- In the inter-war period minor steps were made specifically in the protection of labour rights and minority rights, some early human rights treaties were adopted.

## World War II & its aftermath

- Atrocities committed during the Second World War provided the international community with an opportunity to reflect on what international action should be taken to avoid such atrocities
- 2 major acts: Nuremberg Trials and the UN Charter

- The principle established in Nuremberg was that individuals have responsibilities and obligations under international law
- The Preamble to the Charter of the United Nations points out that one of the aims of the UN is that of "encouraging respect for human rights and for fundamental freedoms"
- The Charter did not define human rights

- The Universal Declaration on Human Rights that was adopted on the 10<sup>th</sup> December 1948
- The Declaration's Preamble describes the context, the values and the key ideas that underpin the document
- Declaration brings together both civil and political rights (such as freedom of assembly, of expression and the right to life) as well as economic and social rights (such as the right to work and the right to education).

- Declaration was not a legally binding instrument. UN wanted to adopt a legally binding treaty to protect human rights.
- Human rights fell victim to the political requirements of the Cold War
- The single treaty was split into two Covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)