

The modern idea of human rights evolved in the wake of the Second World War. Up until that time, the way in which a State treated its own inhabitants had been considered largely an internal matter, of no legitimate concern to the outside world. Shock and outrage at the atrocities committed by the defeated Nazi regime, both against foreign nations and its own population, prompted calls for international standards for the protection of human beings. People realised that had the Nazis not invaded another country, the treatment of its own citizens, however appalling, would have been perfectly lawful.

For the future therefore some of the governments on the victorious allied side were determined to define standards of behaviour which would oblige governments to respect any person subject to their rule. When the allied nations met in San Francisco in 1945 to consider founding the United Nations (a term that up until then they had informally applied to their own coalition) there was a particular focus upon, human rights. An early attempt to secure agreement to a binding international bill of rights within the UN Charter did not find sufficient support. Instead the newly established UN Economic and Social Council was asked to set up a commission “for the promotion of human rights.”

The UN Commission on Human Rights set up a committee, chaired by Eleanor Roosevelt, tasked with developing set of human rights standards which would reflect, as far as possible, the shared values of all the world’s nations and cultures. The major problem faced by the committee was whether the document they were preparing could have legal force.



Some countries favoured a legally binding treaty, to be ratified by all the UN’s members; others preferred a moral declaration without the force of law (and in reality some countries would have preferred no mention of human rights at all). In the end, the committee decided to start with a moral declaration that could then lead, in a second stage, to a binding bill of rights. As a result the *Universal Declaration on Human Rights* (UDHR), was adopted without an opposing vote by the UN General Assembly in 1948, with the status of a moral declaration. In time two further treaties were agreed, based upon the UDHR: the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). Both were adopted in 1966 and had, by the mid 2000s been ratified by over 150 States respectively. Collectively, the UDHR, ICCPR and ICESCR are often called

the “International Bill of Human Rights”.

When the international community talks about human rights it identifies them as a set of entitlements that belong to everyone, by virtue of their humanity, irrespective of race, nationality, or membership of any particular social group. They specify the minimum conditions necessary to protect human integrity and dignity. The entitlements belong to each individual – the *rights holder* – and in signing the treaties specified above – states agree to protect those rights, to become *duty bearers* of that responsibility.

The values enshrined in the International Bill of Human Rights were not invented – the committee aimed to find a consensus that could set standards of conduct for governments which would reflect the common aspirations of all belief systems that respected human life. To that end different religious figures and

philosophers were consulted to identify the values common to all human societies and cultures. It was from that base that the values embodied in the UDHR were created. The Bill itself was significant because of its legal character. It sets out the obligations owed by States to every human over whom it exercises power. It also, and controversially, makes clear that any violation of human rights in the Bill is of concern to the international community as a whole and not just an internal affair. The *Universal Declaration* and ICCPR and ICESCR, have provided the basis for many other international and regional human rights instruments, as well as elements for many national constitutions.

As stated above the original International Bill of Human Rights divided human rights into two categories, civil and political rights (the ICCPR) which many argued acted as constraints upon what the state might do, for example, life, liberty, and freedom from torture. Social and economic rights enshrined in the ICESCR were seen to require more active intervention by the state by imposing obligations to provide health, education and so on. In reality the division was not so clear cut – civil and political rights are meant to constrain significant abuses of power while social and economic rights require resourcing.

The division had its origins in the Cold War – with some countries privileging civil and political rights, while others argued that social and economic rights (which they interpreted in ways to increase state power)

were more important and that their realisation necessarily prefigured civil and political rights. With the end of the Cold war there has been renewed emphasis among the international human rights community – both institutions and NGOs to insist upon the indivisibility of human rights – their essential unity. Observers such as Amartya Sen also observed that civil and political rights such as freedom of expression were crucial to the realisation of social and economic rights – that both underpinned the other.

In recent times it has been recognised that the responsibilities of the state do not simply extend to non interference in the affairs of citizens. The state may also have a positive responsibility to protect the rights of others, even against other private actors. In the words of the European Court there is “... *a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual*”. Positive obligations may require many different forms of action by member states, from effectively investigating killings through to protecting peaceful demonstrators from violent attacks by their opponents, to ensuring that older people in care homes are adequately treated by staff.

In recent years these positive obligations have been defined as the need for states to respect, protect and fulfill human rights. Respect requires States not to violate economic, social and cultural rights (for example forcibly and arbitrarily evicting people violates their right to housing). Protect

requires States to prevent other people and or institutions from violating such rights (for example by providing adequate support for those subject to domestic violence or by ensuring private employers respect basic labour standards). Fulfill requires States to take appropriate legal, administrative, financial and other measures to realizing the rights (for example by providing some basic health care).

What is evident is that while the core values of human rights, as set out in the UDHR and the covenants remained unchanged, their application and the nature of state’s responsibilities is an evolving picture, one which is contested by states throughout the world. While many countries recognise a responsibility to protect human beings from violations of their rights, even if this may mean disregarding the sovereignty of states in extreme circumstances, this interpretation is resisted by countries that assert a traditional belief in their own ultimate sovereignty.

Finally the growing importance of human rights has led to the concept of human rights based development – a particular feature of the Millennium Development Declaration. This means that human rights are seen as important ways of achieving development goals (such as the elimination of poverty) by empowering discriminated against or disadvantaged groups but also as development goals in themselves in that lack of power and dignity is itself a mark of poverty.