

Where do Human Rights come from?

The modern human rights era can be traced to struggles to end slavery, genocide, discrimination, and government oppression. Atrocities during World War II made clear that previous efforts to protect individual rights from government violations were inadequate. Thus was born the Universal Declaration of Human Rights (UDHR) as part of the emergence of the United Nations (UN).

The UDHR was the first international document that spelled out the "basic civil, political, economic, social and cultural rights that all human beings should enjoy." The declaration was ratified without opposition by the UN General Assembly on December 10, 1948.

When it was adopted, the UDHR was not legally binding, though it carried great moral weight. In order to give the human rights listed in the UDHR the force of law, the UN drafted two treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The division of rights between these two covenants is artificial, reflecting the global ideological divide during the Cold War. Though politics prevented the creation of a unified treaty, the two covenants are interconnected, and the rights contained in one covenant are necessary to the fulfillment of the rights contained in the other. (Together, the UDHR, ICCPR, and ICESCR are known as the International Bill of Human Rights.) They contain a comprehensive list of human rights that governments must respect, protect, and fulfill.

Human Rights Outlined in the  
International Bill of Rights

## International Bill of Rights

The right to equality and freedom from discrimination

The right to life, liberty, and personal security

Freedom from torture and degrading treatment

The right to equality before the law

The right to a fair trial

The right to privacy

Freedom of belief and religion

Freedom of opinion

Right of peaceful assembly and association

The right to participate in government

The right to social security

The right to work

The right to an adequate standard of living

The right to education

The right to health

The right to food and housing

## How do Rights Become Law?

### DEFINITIONS

#### DECLARATION

document stating standards or principles, but which is not legally binding

#### TREATY, CONVENTION, COVENANT, CHARTER

legally binding agreement between two or more countries

#### RRATIFICATION

formal process by which a country agrees to be bound by the terms of a treaty

#### RESERVATION

the exception that States make to a treaty (e.g. provisions within the treaty the government does not accept)

International human rights law provides an important framework for guaranteeing the rights of all people, regardless of where they live. International human rights law is contained in many different types of documents, including treaties, charters, conventions, and covenants. Despite the different official names, these documents are all considered treaties and have the same effect under international law: countries that ratify a treaty are legally obligated to protect the rights it describes.

The human rights treaty process usually begins at the United Nations or a similar international body. Legal and subject matter experts might first create a draft of the treaty. After the draft is written, the UN or other body will arrange a meeting between representatives of interested countries to negotiate the final terms, or content, of the treaty. This can be a lengthy process if large numbers of countries want to participate in the drafting process. Non-governmental organizations are sometimes allowed to offer recommendations during some of the stages of the

drafting process. After the negotiating countries agree on a final text of the treaty, the treaty is opened for ratification by countries that want to become parties to it.

Countries have different methods for acceding to or ratifying treaties. For the United States to become a party to a treaty, the president must first sign it, and then present it to the Senate, where two-thirds of the senators must vote to ratify it. Through ratification, a country agrees to be legally bound by the terms of the treaty.

Countries that ratify treaties are allowed to enter reservations to those instruments. Reservations are statements made by a country that “modify the legal effect of certain provisions of the treaty.” Entering a reservation allows a government to agree to most of a treaty, while excluding or limiting parts that might be controversial or unconstitutional in its own country. Many countries have entered reservations to the major human rights treaties, which can limit the effectiveness of the treaties in protecting people against abuses committed by their governments.