

Human Rights and International Law

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We all cherish “... certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” – that is why “to save succeeding generations from the scourge of war” — as in wartime these unalienable rights are not guaranteed - shall be(come) priority for us.

But we should remember that not only the 1948 Universal Declaration of Human Rights is “a milestone document in the history of human rights” because in this Declaration are recognized the inherent dignity and “the equal and inalienable rights of all members of the human family” as “foundation of freedom, justice, and peace in the world”.

In 1966, the International Covenant on Civil and Political Rights (ICCPR), a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labor rights and the right to health, the right to education, and the right to an adequate standard of living, were adopted by the United Nations.

Thus, the International Bill of Human Rights was the name given to UN General Assembly Resolution 217 (III) and two international treaties established by the United Nations. It consists of the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) with its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the two latter covenants entered into force only in 1976 after sufficient ratification.

Numerous additional treaties have been offered at the international level. They are generally known as human rights instruments. Some of the most significant are:

- Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) (adopted 1948, entry into force: 1951)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD) (adopted 1966, entry into force: 1969)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 1979, entry into force: 1981)
- United Nations Convention Against Torture (CAT) (adopted 1984, entry into force: 1984)
- Convention on the Rights of the Child (CRC) (adopted 1989, entry into force: 1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (adopted 1990, entry into force: 2003)
- Rome Statute of the International Criminal Court (ICC) (adopted 1998, entry into force: 2002)

In addition to the Genocide Convention already mentioned and with reference to crimes against humanity, war crimes and crimes against peace (crimes of aggression), we note that the 1950 Nuremberg Principles (Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal) became the quintessence of those principles which guided the International Military Tribunals in Nuremberg and Tokyo as international legal norms. Heads of State could from then on held responsible in international court trials, even retrospectively. In addition, the moral and political responsibility of the individual collaborator or bystander/onlooker was emphasized and could no longer be excused by commands or orders of superiors.

Human Rights are, thus, inextricably linked with the rule of international law, the strive for democracy and ever more democratization and the guarantee of and respect for freedom and liberty as well as for equality and equal rights and social justice.

With the perspective of a profound reform of the United Nations towards a World Federation with international courts respected by all members, a World House can be created as a global network of human rights activists implementing all the codified international law norms we find in the international conventions and treaties mentioned above. Such a network can be expanded by deepening our understanding of human rights and explicitly referring to already existing binding and non-binding legal provisions of “unalienable rights” to ensure “Life,

Liberty and the pursuit of Happiness”. This is a matter of conscience, and likewise conscientious objectors to military service all over the world we should exercise our basic freedom of conscience we find in the Universal Declaration of Human Rights which Eleanor Roosevelt emphasized:

“This Universal Declaration of Human Rights may well become the International Magna Carta of all men everywhere.”