

HISTORY OF HUMAN RIGHTS

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Abstract

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

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1 Introduction

As international concern, Human rights issues are among the most widely debated in the world today. This is because the question of Human Rights is fundamental to mankind. For a long time they have remained an issue strictly within national jurisdiction that is until the end of the 1940's, when they became internationalized. This process of internationalization, as Azevedo points out, is traceable to some international instruments which recognize the need to promote and preserve human rights for the ultimate attainment of world peace. In this respect, the United Nations has been able to consolidate the principle that human rights are a matter of international concern and that international community is entitled to discuss and to protect human rights through the 1948 Universal Declaration of human rights

2 History of human rights

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations. Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law. (www.state.gov/g/drl). One of the indicators of democracy and guaranteeing fundamental rights and freedoms. (Bočáková, Tomášiková 2008).

3 History of human rights

Modern human rights law developed out of customs and theories that established the rights of the individual in relation to the state. These rights were expressed in legal terms in documents such as the English Bill of Rights of 1688, the U.S. Declaration of Independence of 1776, the U.S. Bill of Rights added to the U.S. Constitution in 1789, and the French Declaration of the Rights of Man and the Citizen added to the French Constitution in 1791. (Agarwal, 2003).

Human rights law also grew out of earlier systems of International Law. These systems, developed largely during the eighteenth and nineteenth centuries, were predicated on the doctrine of national

sovereignty, according to which each nation retains sole power over its internal affairs without interference from other nations. As a result, early international law involved only relations between nation-states and was not concerned with the ways in which states treated their own citizens. During the late nineteenth and early twentieth centuries, the notion of national sovereignty came under increasing challenge, and reformers began to press for international humanitarian standards. In special conferences such as the Hague Conference of 1899 and 1907, nations created laws governing the conduct of wars and handling of prisoners. Not until after World War II (1939–45) did the international community create international treaties establishing human rights standards. The United Nations, created in 1945, took the lead in this effort. In its charter, or founding document, the United Nations developed objectives for worldwide human rights standards. It called for equal rights and self-determination for all peoples, as well as "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" (art. 55). The universal declaration of human rights, adopted by the U.N. General Assembly in 1948, also became an important human rights document. (Golove, 2002)

To develop the U.N. Charter into an international code of human rights law, the international community created a number of multilateral human rights treaties. The two most significant of these are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both put into effect in 1976. These treaties forbid discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The two covenants, along with the U.N. Charter, the Universal Declaration of Human Rights, and an accord called the Optional Protocol to the Covenant on Civil and Political Rights (1976), constitute a body of law that has been called the International Bill of Human Rights. The Covenant on Civil and Political Rights includes protections for the right to life, except after conviction for serious crime (art. 6); freedom from torture and other cruel and inhumane punishment (art. 7); freedom from slavery and prohibition from slave trade (art. 8); freedom from arbitrary arrest or detention (art. 9); humane treatment of prisoners (art. 10); freedom of movement and choice of residence (art. 12); legal standards, including equality before the law, fair hearings before an impartial tribunal, Presumption of Innocence, a prompt and fair trial, the Right to Counsel, and the right to review by a higher court; freedom of thought, conscience, and religion (art. 18); and freedom of association, including association in trade unions (art. 22). (www.state.gov/g/drl)

The Covenant on Economic, Social, and Cultural Rights protects additional rights, many of which have yet to be realized in poorer countries. These include the right to work (art. 6); to just wages and safe working conditions (art. 7); to social security and social insurance (art. 9); to a decent standard of living and freedom from hunger (art. 11); to universal basic education (art. 13); and to an enjoyment of the cultural life and scientific progress of the country. The international community has also adopted many other human rights treaties. These include the Convention on the Prevention and Punishment of the Crime of Genocide (1948); the Convention on the Political Rights of Women (1953); the Convention to Suppress the Slave Trade and Slavery (revised 1953); the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment (1987); the Convention on the Rights of the Child (1990); and the Convention on Protection of the Rights of Migrant Workers (2003). In addition to worldwide human rights agreements, countries have also established regional conventions. These include the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights. (Curry, 2002).

Although the United States was an active participant in the formation and implementation of international human rights organizations and treaties following World War II, and although it ratified selected treaties such as the Convention to Suppress the Slave Trade and Slavery in 1967 and the Convention on the Political Rights of Women in 1976, it did not ratify any of the major rights treaties until 1988, when it approved the Convention on the Prevention and Punishment of the Crime of Genocide. Four years later it ratified the International Covenant on Civil and Political Rights. The U.S. Senate, which has authority to ratify all treaties, has been slow to review and approve human rights provisions, for a number of reasons. Senators have expressed concern about the effect of international treaties on U.S. domestic law. Article VI of the U.S. Constitution provides, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." Treaties therefore stand as federal law, though they are not considered to be law if they conflict with the Constitution (*Reid v. Covert*, 354 U.S. 1, 77 S. Ct. 1222, 1 L. Ed. 2d 1148 [1957]). (Viljoen, 2007).

Conservative senators blocked early ratification of human rights treaties largely out of concern that the treaties would invalidate racial Segregation laws that existed in the United States until the 1960s. Many human rights advocates claimed that these laws violated existing international treaties. Some senators argued that human rights should fall under domestic authority only and should not be subject to international negotiations. Others contended that ratification of human rights treaties would federalize areas of law better left to the states. Since the late 1960s, such objections in the Senate have been overcome by attaching to treaties modifying terms called reservations, understandings, and declarations (RUDs). RUDs modify the treaties so that their effect on U.S. law will be acceptable to the two-thirds majority required for treaty ratification in the Senate. A reservation, for example, may state that the United States will not accept any element of a treaty found to be in conflict with the U.S. Constitution or existing laws, or that ratification will not federalize areas of law currently controlled by the states. (Curry, 2002).

The U.S. Congress has also enacted its own human rights legislation. Under the leadership of Representative Donald M. Fraser (D-Minn.) during the 1970s, the House Committee on Foreign Affairs added language to the Foreign Assistance Act of 1973 (22 U.S.C.A. § 2151 et seq.) that required the president to cancel military and economic assistance to any government that "engages in a consistent pattern of gross violations of internationally recognized human rights," including torture and arbitrary detention without charges (§§ 2151n, 2304). This new legislation authorized the state department to collect and analyze data on human rights violations. Congress has also passed laws that require cutting off or limiting aid to countries with significant human rights violations.

In 1977, Congress gave human rights greater priority within the executive branch by creating a new State Department office, the Bureau on Human Rights and Humanitarian Affairs, headed by an assistant secretary of state (Pub. L. No. 95-105, 91 Stat. 846). In 1994, the administration of President Bill Clinton renamed the office the Bureau for Democracy, Human Rights, and Labor. The bureau is charged with administering programs and policies to promote democratic institutions and respect for human rights and workers' rights around the world. It also presents to Congress an annual report on the status of human rights all over the globe. (Golove, 2002).

Respect for human rights in the 21st century, aided by the internet. Citizens for web portals nonprofit organizations may find the free informations. (Lincényi, 2012, p. 131)

4 Conclusion

Human rights is an idea whose time has come. The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. Every day governments that violate the rights of their citizens are challenged and called to task. Every day human beings worldwide mobilize and confront injustice and inhumanity. Like drops of water falling on a rock, they wear down the forces of oppression and move the world closer to achieving the principles expressed in the Universal Declaration of Human Rights. American Rights Protection System must play a new and special role in the violations of the human's rights in our Region. The commitment of the States must to be higher and the process must to be clearer and quicker. We have to understand that the State is not the only institution in charge of the Rights protections and the regional and the international protection system had to become the first step for a future globalization of the human's rights around the world as we believe it comes in the future.

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