

The Historical Chronology of Human Rights and the Specificity of Its International Conventions

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Received: 11/01/2026 accepted: 22/03/2026 published: 05/05/2026

Abstract:

We aim in this article to present an analytical and evaluative study of the historical chronology of human rights and the peculiarity of its international conventions, and how human rights evolved from a purely domestic scope to an integrated international legal system, and about the peculiarity that characterizes its conventions in comparison to traditional international conventions.

And we adopted in this article an analytical historical-legal methodology, beginning from the context of internationalization, then addressing the founding documents, then explaining the peculiarity of obligations in the field of human rights, with elaboration on monitoring mechanisms and regional systems and contemporary challenges, including the digital age.

We conclude in the end that the future of human rights is not linked only to strengthening the existing legal framework, but rather to the extent of the international community's ability to ensure the actual application of these rights, through developing monitoring mechanisms, enhancing international cooperation, and ensuring a real balance between sovereignty and the requirements of international protection, in a manner that guarantees the preservation of human dignity in various contemporary contexts.

Keywords: historical chronology, human rights, peculiarity, international conventions.

Introduction:

Human rights, in the contemporary international legal system, are no longer merely a moral matter or a political slogan, but rather have become one of the founding pillars of international law itself. And this transformation occurred gradually after the Second World War, when the international community realized that violations of human dignity were no longer a purely internal affair, but rather a direct cause of destabilizing international peace and security. Hence the United Nations Charter of 1945 acquired a foundational importance, because it linked for the first time between maintaining international peace and respecting human rights, and opened the door to the internationalization of this field which was, in the classical conception, at the very core of states' internal sovereignty. And stemming from this transformation, the International Bill of Human Rights was formed as a gradational legal structure comprising the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. And the High Commissioner described this system as a "strong statement" on human rights, and also affirmed that the two covenants become binding only after ratification, which highlights the difference between the value/normative level of the Universal Declaration and the binding treaty level of the two covenants.

And the central problem of this article lies in:

how did human rights evolve from a purely domestic scope to an integrated international legal system, and what is the peculiarity that distinguishes its conventions from traditional international conventions?

And to answer this problem, this article adopts an analytical historical-legal methodology, beginning from the context of internationalization, then addressing the founding documents, then explaining the peculiarity of obligations in the field of human rights, with elaboration on monitoring mechanisms and regional systems and contemporary challenges, including the digital age.

Prelude: From internal sovereignty to the international dimension

The traditional conception of international law viewed the human being as an indirect subject of international protection, while the state was the real center of obligation and right. However, the two world wars, and the resulting mass killing, extermination camps, starvation, displacement, and systematic violations, showed that human dignity cannot remain hostage to the state's discretion alone. Therefore the United Nations Charter stipulated, in Article 1 paragraph 3 according to what the High Commissioner mentions, "to encourage respect for human rights and fundamental freedoms for all without distinction," which the High Commissioner's explanatory document considered part of the background that made the idea of the "International Bill of Human Rights" possible from the beginning. And in the same context, the High Commissioner indicated that the proposal to create a "declaration on fundamental human rights" was raised during the San Francisco Conference of 1945, but it was not adopted at that time due to its need for further study, then later the idea of the "International Bill of Human Rights" replaced it, which gradually took shape within the United Nations. This sequence is important because it shows that internationalization was not a sudden leap, but rather the fruit of a long institutional and intellectual construction, beginning in the value-based preamble of the Charter and evolving into mechanisms, principles, and binding treaties.

1. The Conceptual and Historical Framework of Human Rights

1.1 On the Definition of Human Rights and Their Characteristics

The definitions of human rights differ according to the angle from which they are viewed, but their essence is one: they are rights established for every human being merely by virtue of being human, and are not a grant from the state nor a political privilege. In modern jurisprudence, the definition of Jack Donnelly stands out, who defends the universality of human rights, while noting that the idea of human rights itself is historically variable and conditioned by its contexts, meaning it is universal in content and historically determined in trajectory. And this combination of universality and historicity gives legal analysis greater depth, because it prevents turning universality into a mere slogan or into a denial of historical particularities.

As for Louis Henkin, his name has been associated with what he called the "age of rights," a description that became referential in American and international legal literature. And Columbia University confirms that he is among the founders of the study of human rights law, and that he was among the first to view human rights as a legal obligation on states not merely a moral horizon. And this is important in our article because the internationalization trajectory we are studying was not merely a codification of texts, but rather a change in the philosophy of international law itself, from a law

regulating relations between states to a law placing the human being at the center. Modern international jurisprudence has articulated essential characteristics of human rights, the most important of which are universality, indivisibility, interrelation, and the overlap between civil, political, economic, social and cultural rights. And the Vienna Declaration and Programme of Action of 1993 entrenched this rule when it affirmed that all human rights are "universal and indivisible and interrelated and interdependent," which the High Commissioner recalled on more than one occasion as a response to any attempt to establish unjustified hierarchies among rights. Therefore it is legally impermissible that economic and social rights be understood as "less valuable" than civil and political rights, rather they are part of the same total construction.

1.2 From the World Wars to the Emergence of the International Idea

The historical reading shows that the Second World War was the decisive moment that transferred the issue of human rights from political ethics to international law. For after the Nazi atrocities and other grave violations, states realized that respect for human dignity is not an organizational luxury, but rather a condition for non-repetition of the catastrophe. And the preamble of the Universal Declaration explicitly expressed this meaning when it linked between the "barbarous acts which have outraged the conscience of mankind" and the necessity of protecting human rights by the rule of law, as it also affirmed the existence of a close relationship between respect for rights and the development of friendly relations among nations.

Hence, the transition to internationalization was not merely an expansion of jurisdiction, but rather a correction of the idea of sovereignty itself. Sovereignty no longer meant escaping from moral and legal oversight, but rather came to be understood within the framework of international obligations. And this transformation is what will later appear in the work of United Nations institutions, and in the development of monitoring mechanisms, committees, judicial and regional bodies, and in the growing discourse about state obligations towards the international community as a whole, not just towards another specific state.

2. The Universal Declaration of Human Rights of 1948

2.1 Legal Nature and Normative Value

The General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948 as a "common standard of achievement" for all peoples and nations, not an international treaty. And this phrase is not a rhetorical detail, but rather a foundation for understanding its legal value. For the Declaration did not create a direct treaty obligation like that created by treaties, but it established a referential standard that later became a basis for the development of international custom, national legislations, and judicial interpretation. And the High Commissioner described the Declaration as the "most important and farthest-reaching" of United Nations documents, and that it remained a source of inspiration for both national and international activity in the field of protection.

From a theoretical perspective, the Universal Declaration can be understood as a link between morality and law. For it was not merely a political recommendation, because the General Assembly did not content itself with a statement of intentions, rather it formulated detailed standards for rights and freedoms. At the same time, it was not a formally binding treaty. For this reason, an important segment of jurisprudence sees that the Declaration acquired a special normative importance, and that some of its contents entered into the fabric of customary international law or into the interpretation of subsequent

treaties, particularly with regard to dignity, equality, non-discrimination, prohibition of torture, and the right to a fair trial.

2.2 The Rights Structure in the Universal Declaration

The Universal Declaration is characterized by having gathered civil, political, economic, social and cultural rights in a single document, without establishing an absolute barrier between them. For it stipulated equality and dignity, the right to life, liberty and security, the prohibition of slavery and torture, the right to fair adjudication, and at the same time recognized social and cultural rights, such as education, work, and an adequate standard of living. And this unity was not accidental, but rather an expression of international awareness that dignity is indivisible.

Moreover, the Declaration did not come as a "neutral" document, but rather carried a clear legal vision: the human being is the origin, and the state is a means of protection. For Article 28 of it determines that everyone has the right to a social and international order in which the rights and freedoms can be realized, and Article 29 links the exercise of rights to duties towards the community and to the limitations imposed by law for the purpose of securing due recognition and respect for the rights of others and of meeting the just requirements of public order. This linking between right and duty, and between freedom and responsibility, shows that the Declaration was not merely a list of rights, but rather an integrated conception of a just international order.

2.3 Critique of the Limits of the Universal Declaration

Despite its historical importance, the Universal Declaration faced from the beginning precise legal limits: it is not binding in itself, and does not provide, originally, a direct international judicial system for its enforcement. However, this formal weakness did not prevent its development into a strong normative reference. For modern jurisprudence does not deal with it as merely a symbolic document, but rather as one of the main entry points for understanding the legitimacy, sources, and interpretation of human rights norms. And in this context, the challenge lies in not exaggerating in converting its normative value into a treaty value it never originally possessed, and also in not diminishing its real impact on the development of international law and national constitutions.

3. The Two International Covenants of 1966 and the Transition to Obligation

3.1 Political and Legal Background for the Adoption of Two Covenants

United Nations documents show that the drafting committee initially thought of a single document containing general principles and a detailed treaty set, but the political discussions led to the adoption of two separate documents: the first for civil and political rights, and the second for economic, social and cultural rights. And the High Commissioner affirmed that the General Assembly decided in 1950 to include economic, social and cultural rights in the draft covenant, based on the idea of interdependence between these rights and civil and political rights. Then the two covenants were adopted in 1966 and entered into force in 1976.

The separation between the two covenants was, in part, a response to the geopolitical context of the Cold War. But this does not mean that the international community was acknowledging then the existence of two separate rights in terms of value; rather it was seeking a negotiatory formula allowing for the establishment of ratifiable obligations. Hence dual adoption was a political-technical solution, not a definitive philosophical judgment on the nature of rights. And notably, subsequent texts, especially the

Vienna Declaration of 1993, returned to affirm that all rights are equal in terms of nature, dignity and importance, and that any hierarchical reading of them is a reading that exceeds contemporary international consensus.

3.2 The International Covenant on Civil and Political Rights

This covenant is considered the most direct treaty framework for protecting rights that the state can violate by act or omission, such as the right to life, prohibition of torture, the right to liberty and security, freedom of thought, conscience and religion, freedom of expression, assembly, and privacy. And Article 17 of it explicitly protects privacy from arbitrary or unlawful interference with privacy, family, home, or correspondence, a text that acquires exceptional importance today under digital surveillance, algorithms, and data collection.

The crucial point here is that the obligations of the Civil and Political Covenant are not only "negative" rights in the narrow sense, but rather obligations to respect, ensure, and protect. For the state is required not only not to violate, but also to prevent violations by others, and to provide effective remedies. And this explains why the international system established the Human Rights Committee to monitor implementation of the covenant, a committee of 18 independent experts that follows up on states parties' obligations, and also some mechanisms allow for individual complaints under the Optional Protocol.

3.3 The International Covenant on Economic, Social and Cultural Rights

This covenant is based on a different logic in terms of means not in terms of value. For Article 2 obligates states to take steps, individually and through international assistance and cooperation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights. This means that the obligation here is not absent or secondary, but rather differs in its temporal and institutional manner. For the state is not exempted from obligation, but rather is required to plan, take measures, program, progress progressively, and not discriminate.

The Committee on Economic, Social and Cultural Rights oversees monitoring of implementation of the covenant, a committee of 18 independent experts that follows its application and issues observations and general comments. The UN system also allows other mechanisms such as individual complaints within the framework of optional protocols to some treaties, which reflects a clear evolution in the protection of these rights after they were, in the traditional reading, less justiciable. And it must be noted that the High Commissioner today affirms that these rights protect essential areas of human life such as education, health, housing, water, and work.

4. The International Bill of Human Rights as an Integrated Legal Construction

The three documents together constitute what the United Nations calls the "International Bill of Human Rights." And this designation is not merely a descriptive term, but rather an expression of normative gradation: the Universal Declaration sets the standards, and the two covenants transform a large part of them into binding treaty obligations after ratification. And the High Commissioner has clarified that this set is the strongest statement on human rights, and that the two covenants become binding in the state that ratifies them, which makes the International Bill closer to a "normative international constitution" for human rights than merely a scattered collection of texts. And within this framework, the International Bill is read as a legal answer to two questions: what are the

fundamental rights? and how are they protected internationally? The first answer is provided by the documents themselves, and the second answer is undertaken by the UN monitoring system and regional and judicial mechanisms. And this explains why texts alone are not sufficient, rather implementing, interpreting, and accountability bodies are necessary, because international rights if they remain without mechanisms, turn into mere moral obligations. And the United Nations has practically acknowledged this logic through the system of treaty bodies, the Human Rights Council, the Universal Periodic Review, and special procedures.

5. Peculiarity of Human Rights Conventions Compared to Traditional International Treaties

5.1 Logic of the Traditional Treaty and Logic of Human Rights Treaties

The traditional international treaty is often based on an exchange of benefits and obligations between equal parties, and reciprocity remains an important element in understanding it. As for human rights treaties, the center of gravity is different: the obligation does not arise to protect the interest of one state against another state, but rather to protect the human being present within the jurisdiction of the state party. And this is very clear in the texts of the Civil and Political Covenant, as well as in the Economic and Social Covenant, and in the American Convention on Human Rights which stipulates states' obligation to "respect the rights and freedoms" and "ensure" their exercise for all persons subject to their jurisdiction.

For this reason, it is difficult to subject human rights to the logic of reciprocity. For a state cannot say that it will not comply because another state did not comply; because the matter here is not an exchange of obligations, but rather a normative protection related to human dignity. Hence the essential peculiarity of these conventions appears: they create an objective, not reciprocal, obligation, and transform the state from merely a contracting party into a legal guarantor for the human being. And modern jurisprudence, especially in the works of Cassese, has tended to highlight this human character of the international system, where the individual and human dignity become the center of the legal construction.

5.2 The Concept of Obligations Towards the International Community

One of the most important keys to understanding the peculiarity of human rights is their transition from the logic of bilateral obligations to the logic of obligations towards the international community. For some rights, especially the fundamental ones, have come to be understood as an international collective interest, such that concern for them does not stop at the borders of a particular state. Here emerges the importance of the *erga omnes* concept which was associated in international law with the International Court of Justice decision in the *Barcelona Traction* case of 1970, where it was used to describe certain obligations that are owed to the international community as a whole. And international judiciary later returned to this concept in multiple situations, including recent indications by the Court in 2024 to this type of obligation.

From an analytical standpoint, this concept explains why human rights violations are not seen as merely a private injury between two states, but rather as a breach of a broader legal system. For the international community does not protect here only commercial or border interests, but rather protects fundamental values, such as the prohibition of torture, the prevention of racial discrimination, the protection of the right to self-determination, and the guarantee of dignity. Therefore some texts and

mechanisms take a collective form: reports, periodic reviews, recommendations, and international follow-up, because the nature of the right itself exceeds traditional bilateralism.

5.3 The difference between the obligation in the Universal Declaration and the two covenants

If the Universal Declaration established a general standard, then the two covenants added to it binding force. However, the obligation in the two covenants is not completely identical. For the Civil and Political Covenant focuses on an immediate obligation of respect and guarantee, while the Economic and Social Covenant is based on progressive realization within available resources, along with prohibition of discrimination and the duty to take appropriate steps. And this difference does not mean a disparity in value, but rather a difference in implementation tools and operational field. Therefore he who reads the Economic and Social Covenant as if it were "weaker" errs, because modern international law links all rights together as one single network of protection.

6. International Monitoring Mechanisms for Human Rights

6.1 Treaty Bodies

The treaty bodies represent the institutional heart of treaty monitoring. For the United Nations clarifies that the committees are committees of independent experts that monitor the implementation of core treaties, and that each state party has an obligation to take steps to ensure the enjoyment by all of the rights set forth in the covenant which it has ratified. Also this system allows, in several treaties, individual complaints, inter-state complaints, and inquiries, which are tools that transform the text from a declaration to actual monitoring.

And in the Civil and Political Covenant, the Human Rights Committee undertakes a pivotal role in follow-up and interpretation, while the Committee on Economic, Social and Cultural Rights undertakes monitoring implementation of the second covenant. And the High Commissioner has indicated that these two committees contribute to changing laws, policies and practices, and directing states towards international standards. And from a legal standpoint, the strength of these committees does not lie in material coercion, but rather in the authority of interpretation, normative pressure, international reputation, and periodic review.

6.2 The Human Rights Council, Special Procedures, and the Universal Periodic Review

The Human Rights Council brought an important transformation in the institutional structure of the United Nations, as it consists of 47 member states and provides a multilateral forum for discussing violations and country situations, and issues recommendations for improving implementation on the ground. And the Universal Periodic Review is considered among the most prominent innovations of the Council, as every member state of the United Nations is subjected to a periodic review every approximately four and a half years, in a mechanism based on equality among states in principle. Also the special procedures play a central role, because they grant independent experts the mandate to monitor, report, and advise from a thematic or country-specific perspective. And alongside this there exist complaint procedures that allow individuals, groups, and non-governmental organizations to report patterns of grave violations. This multiple structure shows that international human rights law is no longer merely a system of texts, but rather an integrated institutional system for monitoring, accountability, and correction.

7. The comparison between regional systems of human rights

7.1 The European system

The European system is considered the model most entrenched in terms of compulsory jurisdiction. For the European Convention on Human Rights of 1950, according to the official text of the European Court, was the first instrument that made some of the rights contained in the Universal Declaration legally binding, and it entered into force in the year 1953. And the peculiarity of this system lies in the existence of a European Court of Human Rights having an influential jurisdiction, which made the regional protection in Europe more advanced in terms of direct implementation and judicial accountability.

7.2 The Inter-American system

In the Inter-American system, the American Convention on Human Rights stipulates the obligation of states to respect the rights and freedoms and to guarantee their exercise for every person subject to their jurisdiction, without discrimination. And this formulation reveals the objective character of the obligation, as it shows also that protection does not stop at the theoretical side, but rather extends to the state's obligation to take whatever necessary of internal measures. And the Inter-American system is characterized as well by the existence of institutional and judicial mechanisms that have evolved gradually within the framework of the Organization of American States.

7.3 The African system

As for the African system, it was founded upon the African Charter on Human and Peoples' Rights, and the convention established the African Commission on Human and Peoples' Rights. And the African Commission indicates that the Commission was established under the Charter and was brought into operation in the year 1987, as the official documents of the African Union affirm that the Charter has been ratified by 54 member states. And the peculiarity of this system stands out in its combination between individual rights and peoples' rights, and between the rights dimension and the developmental and sovereign dimension within a distinctive African framework.

8. The jurisprudential and political critique of the human rights system

8.1 Double standards and politicization

Despite the great development in the legal and institutional structure, the human rights system still faces two chronic problems: politicization and double standards. And United Nations discussions on multiple occasions have shown that some states see that the human rights discourse is sometimes used as a tool of political pressure, or its application is selectively chosen according to geopolitical interests. And this critique does not negate the legitimacy of human rights, but it reveals that their effectiveness is not only legal, but rather is also linked to political will and international balances.

8.2 The problematic of implementation

One of the fundamental weaknesses remains the gap between legal recognition and actual implementation. For even with the existence of treaties, committees, and reviews, protection remains affected by the state's capacity, and by international pressure, and by the national institutional situation. Therefore signing international instruments is not enough; for the effectiveness of rights is dependent upon national implementation, and upon the independence of the judiciary, and upon the availability of coercive means, and upon the existence of a civil society capable of follow-up. And the High

Commissioner confirms in its commentaries that the conventions create real obligations, but their translation differs according to each state's internal system.

8.3 Globalization and the changing function of the state

Globalization has introduced profound transformations upon the issue of rights: for some violations no longer emanate from the state alone, but rather from transnational corporations, and digital platforms, and economic structures that exceed the territory. Here the question is no longer "did the state violate the right?" only, but also "how does the state regulate the new actors?". And this imposes a rereading of the concept of human rights obligation, such that it is not limited to the direct state, but rather includes duties of regulation, prevention, follow-up, litigation, and redress.

9. Human rights in the digital age and sovereignty

9.1 Privacy, surveillance, and artificial intelligence

The digital age did not create entirely new rights as much as it reshaped how old rights are violated and practiced. For the High Commissioner affirms that digitalization is a major rights revolution, and that the rights themselves exist "online and offline," and that the use of data, artificial intelligence, and digital surveillance raises real risks to privacy, discrimination, and freedom of expression. And in this context, Article 17 of the Civil and Political Covenant enjoys particular importance, because it protects private life and correspondence from arbitrary or unlawful interference. Also the High Commissioner has issued in recent years reports and explanatory materials concerning "privacy in the digital age" and "artificial intelligence," affirming that the collection and processing of data may lead to discrimination or an unequal violation of the right to privacy, and that artificial intelligence technologies must be designed and managed within a strict rights framework. And this returns us to the essential idea of the article: the peculiarity of human rights does not mean only their difference from traditional treaties, but also their permanent capacity for renewal in the face of technological transformations.

9.2 Sovereignty in light of international protection

Human rights did not abolish sovereignty, but they redefined it. For the state no longer enjoys absolute freedom in dealing with individuals within its territory, but rather has become internationally obligated to respect and guarantee their rights. And this appears clearly in the texts that impose upon the state an obligation towards "every individual within its territory and subject to its jurisdiction," and in the texts that make international cooperation a part of implementing economic and social rights. And thus sovereignty transforms from a justification for escaping oversight into a legal framework within which responsibility is exercised.

10. The role of the International Court of Justice in entrenching the human dimension of international law

The International Court of Justice is not considered a human rights court in the technical sense, but it has played an important role in consolidating the idea of collective obligations and fundamental rights of the international community. For in the Barcelona Traction case of 1970, the idea of erga omnes obligations emerged, i.e., the obligations owed towards the international community as a whole, a concept that later became one of the theoretical keys to understanding the protection of certain

fundamental rights. And the Court has continued, in subsequent decisions and opinions, to refer to this concept, including reviving reference to it in 2024.

And the importance of this development lies in that it expresses a legal transition from the logic of private injury to the logic of international public interest. For when it concerns certain fundamental rights, international silence is no longer acceptable as a neutral political option, but rather may become a failure to protect shared values. Hence, *erga omnes* does not change only the language of the Court, but rather changes our understanding of the legal structure of human rights as general human interests, not as bilateral rights confined only to the parties of the dispute.

11. Analytical conclusion

This historical trajectory confirms that human rights were not born one time, but rather they were formed through accumulated layers: a catastrophic war context, then an international Charter that inserted the rights into the core of the international system, then a Universal Declaration that crystallized the basic standards, then two international covenants that transferred an important part from these principles up to the level of treaty obligation. Consequently, the International Bill of Human Rights is not merely a group of texts, but rather a gradational legal structure that brings together value, norm, obligation, and oversight, and that places the human being in the position of the ultimate purpose for the international legal system.

The analytical reading shows also that the peculiarity of human rights conventions lies in four major elements: firstly, that they are not built upon reciprocity; secondly, that they establish objective obligations towards the human being and the international community; thirdly, that they impose upon the state obligations of respect, guarantee and protection; and fourthly, that they make use of specialized monitoring mechanisms that range gradually from the treaty bodies up to the Human Rights Council and the Universal Periodic Review and the special procedures. And all of this together shows that human rights have become a branch standing by its own inside international law, not merely an ordinary extension of traditional international law.

However, the greatest challenge that faces this construction is not in the texts, but rather in the implementation. For politicization and double standards and the gap between recognition and realization, alongside the digital challenges and globalization, all are factors that make the system in a continuous need to renew its mechanisms and to fortify its legitimacy. Therefore the future of human rights will not be measured by the number of instruments only, but rather by the capability of the international community to translate the obligations into actual protection, and to guarantee that human dignity does not remain as a hostage to the balance of power or to momentary interests.

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The Sankalpa: International Journal of Management Decisions

ISSN: 2454-7425

Volume 12, Issue 1 (January - June 2026)