International human rights law (IHRL) is mainly codified in global treaties, the UN charter, and regional human rights mechanisms. Prior to 1945 and the creation of the United Nations, there were a few international treaties with human rights implications. The main rights-related issues regulated by the League of Nations as well as other international treaties (before 1945) were: 1. Abolition of slavery; 2. Labor standards, 3. Rules of war (jus ad bellum/jus in bello), and 4. Protections of minorities. Before 1945, human rights were certainly a transnational topic, advanced by many activist groups focusing on diverse issues at home and abroad (including: women’s rights, incl. foot-binding in China, worker’s rights, child rights, etc., mass atrocities, incl. Armenia).

The United Nations and human rights (from 1945/1948 onwards):
1. Human rights are internationally recognized standards of state behavior.
2. The UN has a mandate to promote human rights.
3. The UN can request states to cooperate in the promotion of human rights.

The limits of UN efforts to promote human rights:
1. The UN has insufficient resources to effectively promote human rights.
2. The UN has no mandate to effectively enforce human rights (conflicting sovereignty norm).
3. The UN Security Council as the most powerful body of the UN has a mandate to address threats to international peace and security (UN Charter, chapter VII, Art. 39) not to promote human rights per se (see: UN Charter; at: http://www.un.org/aboutun/charter/chapter7.shtml).

Charter-based (political) mechanisms (created in 1945/6)
Primary body: Human Rights Council (from 1946 to 2006: The Commission on Human Rights). Other UN bodies with human rights mandates: ECOSOC, Security Council, and General Assembly. These bodies are dominated by state representatives.

Advantages: 1. All members of the UN are subject to charter-based institutions; 2. Mandate of charter-based institutions is broad; 3. Charter-based institutions can take effective enforcement measures.
Disadvantages: 1. Charter-based mechanisms are dominated by diplomats and state interests (not by human rights experts); 2. Charter-based mechanisms do not have a clearly defined mandate and are always subject to a conflicting sovereignty norm.

Treaty-based (legal) mechanisms (first created in 1966/1976)
Examples: Monitoring bodies of major human rights treaties.

Advantages: 1. Treaty-based mechanisms are independent from states and run by independent experts; 2. Treaty-based mechanisms have a clearly defined mandate to promote human rights.
Disadvantages: 1. Treaty-based mechanisms are limited to the letter of the respective treaty; 2. Treaty-based mechanisms only apply to signatories; 3. Treaty-based mechanisms have virtually no enforcement power and can only monitor and ‘shame.’

The evolution of UN human rights promotion
1947: The Commission on HR decides that it “had no power to take any action in regard to any complaints concerning human rights” (ECOSOC resolution 75 V)
1950/early 60s: Cold War; prolonged negotiations on the International Covenants.

>> Decolonization and the influence of NGOs
1961: Creation of Amnesty International
1965 (T): Convention on the Elimination of all Forms of Racial Discrimination
1966 (T): International Covenant on Civil and Political Rights, ICCPR/ International Covenant on Social, Economic, and Cultural Rights, ICSECR
1967 (C): ECOSOC resolution 1235 empowers the Commission on HR to investigate “gross violations of human rights.”
1970 (C): ECOSOC resolution 1503 establishes a confidential UN procedure to investigate HR violations.
1972: Amnesty International kicks off a global campaign against torture.
1974: The United States State Department begins to publish annual human rights reports on other nations.
1975 (T): Helsinki Accords adopted.
1977: Amnesty International awarded the Nobel Peace Prize.
1978: Creation of Helsinki Watch (later become: Human Rights Watch)
1978 (C): UN begins to publish the names of countries under human rights investigation.
1979 (C): The Commission on Human Rights creates the first thematic mechanism to investigate specific human rights violations (example: “disappearances”)
1984 (T): Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment adopted (in force since 1987).

>> Post Cold War period
1989 (T): Second Protocol to the ICCPR on the abolishment of the death penalty
1993/4 (C): Creation of the tribunals on ex-Yugoslavia and Rwanda
1994 (C): Creation of the High Commissioner for Human Rights
2006: Creation of the Human Rights Council

Number of state parties to major human rights treaties

- Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment: 146 (December 2008; in 2004: 136)

Conclusions: Progress is impressive, but slow
There is progress, but it is very slow. The UN is getting better at identifying and naming violators ex-post, but it still remains ineffective without NGO mobilization and has done little to create early warning and effective preventive systems. Until the early 1960s, the UN has essentially done nothing to promote human rights. During the mid-1960s and 1970s, the UN has mainly engaged in standard-setting; since the 1970s in some limited monitoring/’shaming’, and today we can see some efforts of more robust UN enforcement on issues of gross violations of human rights (example: R2P). Today, major atrocities taking place within the territory of a member state are more likely to be viewed as a threat to international peace and security even if the conflict does not involve two state parties.