

The family tree of the European Convention on Human Rights

Human rights as a legacy of the Holocaust

As the traumatic extent of the horrors of the Holocaust became known towards the end of the Second World War, so did the importance that a state must never again perpetuate such horrors against its own people.

As an international human rights framework was created, it was Jewish lawyers themselves having lost many family members in the Holocaust, who played a major role in its development.

This family tree demonstrates how 'human rights are a legacy of the Holocaust'.

Protecting the individual against the state

Hersch Lauterpacht: An International Bill of Rights

As the war was ending in 1945, Hersch Lauterpacht published his innovative book "[An International Bill of the Rights of Man](#)". Polish Jewish lawyer, Lauterpacht, moved from Lviv to London to study in 1923. He was Professor of law at Cambridge University, part of the British prosecuting team at the Nuremberg trials and a judge at the International Court of Justice. He developed the concept of crimes against humanity. He lost all his family except for one niece in the Holocaust.

Lauterpacht became a leading intellectual force on human rights. His most innovative idea was placing the protection of the individual at the centre of the international legal order. He also developed the concept of 'crimes against humanity', first used in the Nuremberg Trials and used by courts ever since.

In his book Lauterpacht set out many of the articles that were subsequently included in the Universal Declaration of Human Rights and in the European Convention on Human Rights. Articles such as the right to liberty, freedom of religion, freedom of speech, association and assembly and privacy of the home. He also developed the institutional structure that eventually emerged in the European Court of Human Rights.

John Harcourt Barrington, who worked establishing the European Court of Human Rights, said "we shamelessly borrowed many ideas from Hersch Lauterpacht's framework of the rights of man."

First international declaration on human rights

Monsieur René Cassin: Universal Declaration of Human Rights

Monsieur René Cassin drew on the work of Lauterpacht when he drafted the Universal Declaration of Human Rights. Cassin was a French Jewish lawyer. He served as the French delegate to the League of Nations from 1924 to 1938. He fled to London during the war before returning to France. Most of his family members were murdered in the Holocaust

The United Nations was formed in 1945 bringing together 51 nations in the search for peace after World War II. A committee of representatives of many different nations oversaw the work that Cassin undertook in drafting the Declaration.

The Declaration was adopted by the United Nations on 10th December 1948. It was the first time that a community of nations had made a declaration of human rights and freedoms.

Powerfully, Article 1 states that "all human beings are born free and equal in dignity and rights".

The Declaration was the inspiration for further human rights laws, human rights bodies and mechanisms across the world and national and regional human rights protections.

Cassin won the Nobel Peace Prize in 1968 for “his struggle to ensure the rights of man as stipulated in the UN declaration.”

He served as President of the European Court of Human Rights from 1965 to 1968.

Providing a court for accountability

European Convention of Human Rights

The drawback with the Declaration was that it had no court. This meant that there was no mechanism for individuals to make states accountable if they breached the Universal Declaration of Human Rights.

The [European Convention on Human Rights](#) has such a mechanism for accountability through the European Court of Human Rights in Strasbourg.

Many British lawyers and politicians, including Winston Churchill and David Maxwell Fyfe, were involved in drafting the Convention. It draws on the civil and political rights within the Declaration drafted by René Cassin and on the articles and mechanism promoted by Hersch Lauterpacht in his book “An International Bill of the Rights of Man”.

The European Convention on Human Rights came into force on 3 September 1953.

The [European Court of Human Rights](#) began its work in 1959.

Bringing Rights Home

Francesca Klug: Human Rights Act

The disadvantage of the European Convention on Human Rights was that if your rights were breached it took time and money to take your case to the European Court of Human Rights in Strasbourg.

Francesca Klug OBE played a leading role in bringing the European Convention on Human Rights into domestic law. Klug is a British Jewish legal expert. Members of her family fled pogroms or disappeared without trace during the Holocaust. Some survived Auschwitz.

Klug is a human rights legal policy academic. She is visiting professor at the London School of Economics and previously Professorial research fellow at the LSE Centre for the study of human rights.

Klug’s work as a government adviser on the incorporation of the European Convention on Human Rights came to fruition when the [Human Rights Act](#) was passed on 9th November 1998.

When the Human Rights Act came into force in on 2nd October 2000 it meant that all the rights provided under the European Convention could now be argued for within the UK courts. The idea to “bring rights home” was initiated by the Labour government and all the major parties voted for it. The Human Rights Act saves people the time and expense of going to the European Court of Human Rights in Strasbourg.

Additionally, it means that a public authority has a duty to consider an individual’s human rights in all its decisions. This means that people are able to argue for their rights without having to go to court. It also means that all new laws must be compatible with the Human Rights Act.

Human rights

The development of human rights is founded in Jewish experience of the most appalling breach of human rights in history. The fact that those in the forefront of the thinking and development of

human rights are themselves Jewish and from families affected by the Holocaust is no surprise. Our religion, history and values lead to both the Jewish community's obligation and determination to fight for human rights.

Human rights are a legacy of the Holocaust.