

European Convention on Human Rights (ECHR, 1950)

The ECHR emerged from the horror of World War II, drawing on the 1948 Universal Declaration of Human Rights, and was born out of the newly-created Council of Europe.

Winston Churchill was the great political visionary behind the project. The Convention was originally proposed by Winston Churchill, who had called at the Hague Congress in 1948 for a European charter of rights and a court to enforce it.

Pierre-Henri Teitgen (1908–1997) was the intellectual architect of the text. A French law professor and cabinet minister, Teitgen was the chief author of the "Teitgen Report" of September 1949, the most important document that preceded the drafting of the ECHR. His report listed ten rights from the Universal Declaration of Human Rights that should be guaranteed, and recommended the establishment of a European Court of Justice and a European Commission of Human Rights.

Sir David Maxwell-Fyfe, British MP, lawyer, and former prosecutor at the Nuremberg Trials, was the lead draftsman. As chair of the Consultative Assembly's Committee on Legal and Administrative Questions, he guided the drafting of the convention, based on an earlier draft produced by the European Movement. As a prosecutor at the Nuremberg Trials, he had seen first-hand the power of international justice.

Léopold Sédar Senghor (the future Senegalese president) and other non-European figures also participated as observers at the 1948 Hague Congress, though the drafting was principally European. The committee used as its basis the preliminary draft convention drawn up by Pierre-Henri Teitgen, which sought to resolve three issues: listing and defining the rights and freedoms to be guaranteed; specifying conditions for their exercise; and specifying the mechanism for their collective enforcement.

American Convention on Human Rights (ACHR / Pact of San José, 1969)

The ACHR was adopted in San José, Costa Rica in 1969 and entered into force in 1978. Unlike the ECHR, it was not the work of a few prominent individuals but rather a long institutional process.

The Inter-American Commission on Human Rights (IACHR), established in 1959, was the true engine of the Convention. The Commission not only found a way effectively to promote human rights in the absence of a formal treaty document legally binding on the states but also essentially drafted the American Convention on Human Rights in three intensive years of work before the San José Conference.

The beginnings of the American Convention go back to the Inter-American Conference held in Mexico in 1945, which entrusted the Inter-American Juridical Committee with preparing a draft declaration. That idea was taken up anew at the Fifth Meeting of Ministers of Foreign Affairs in Santiago, Chile, in 1959, in which it was decided to promote the drafting of a human rights convention. The original draft Convention was prepared by the Inter-American Council of Jurists, and in 1967 the Commission submitted a new draft Convention.