



The Holocaust and Human Rights

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January 27, 2026, marks the International Holocaust Remembrance Day, the anniversary of the liberation of the Nazi Germany extermination camps at Auschwitz by troops of the Soviet Union. This piece reflects on the impact of the Holocaust on international human rights law.

Following the end of World War II, the United Nations (UN) was created as a successor organization to the League of Nations. Among other issues in its preambular paragraphs, the 1945 UN Charter reaffirmed “faith in fundamental human rights,” stating as one of its purposes “promoting and encouraging respect for human rights and fundamental freedoms for all...” (Article 1(3)). This was reiterated in Articles 55 and 56 of the Charter, with the goal of creating “conditions of stability and well-being which are necessary for peaceful and friendly relations among nations ...”

The background to these was the Second World War, and the atrocities committed in the European theater of the war by the German Nazi regime and its allies. Generally referred to as the Holocaust, there was a

determination to avoid a repeat of these atrocities, giving rise to the mantra “Never Again.” However, at that time, the subject of human rights was a matter of domestic concern, with no general international treaty governing it, apart from those articulated in the laws of war and in minority regimes. The principle that individuals were objects of international law remained supreme, as well as the doctrine of state sovereignty. Protecting human rights internationally requires rethinking these concepts and removing the lid on domestic jurisdiction over the subject.

In response to the atrocities by the Nazis and their allies, there were national and international criminal prosecutions, the most notable being the Nuremberg and Tokyo Trials, 1945-1946, and 1946-1948, respectively, where leaders were prosecuted for crimes against peace, war crimes, and crimes against humanity. Prosecutions for crimes committed during the Holocaust were prosecuted under the rubric of crimes against humanity, as the crime of genocide was in development at that time. These trials affirmed the principle of individual criminal responsibility for these atrocities, beyond the culpability of States.

In December 1946, the United Nations General Assembly adopted a resolution affirming the principles of international law recognized by the Charter and by the judgment of the Nuremberg Tribunal. This became very important in the bid to establish an international human rights regime, laying the groundwork for international criminal responsibility for human rights violations. The immediate legacy of the Holocaust is its direct link to the Nuremberg Trials and the seven principles codified by the UN International Law Commission and adopted by the UN General Assembly.

The Holocaust and the Post-1945 Human Rights Regime

The Holocaust and its immediate aftermath resulted in the creation of an international human rights regime and the internationalization of human rights. The first and most important step was the adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948, through which the UN began redeeming the promise in its Charter to promote and encourage respect for human rights for all. Since the adoption of the UDHR, the UN has adopted several other human rights treaties, including the 1966 Covenants (on civil and political rights, and economic, social, and

cultural rights). Very importantly, and as a direct impact of the Holocaust, the UN adopted the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948, a day before the adoption of the UDHR.

Some of these human rights treaties, in turn, became the foundation of international criminal justice, with certain violations of international human rights norms being classed as criminal and subject to individual criminal responsibility. While the UDHR is merely a declaration and not a legally binding treaty, it laid the foundation and furthered the cause of promoting and protecting human rights, not just within the UN. The Declaration has spawned a host of regional and sub-regional treaties and regimes of human rights in Europe (principally through the European Convention on Human Rights), the Americas (the American Convention of Human Rights), Africa (the African Charter on Human and Peoples' Rights), and the League of Arab States (Arab Charter on Human Rights).

Since its inception, the UN has remained engaged with human rights, with varying degrees of success. In relation to armed conflicts that have become a principal threat to the rights of individuals, in the 1990s, the UN established ad hoc international criminal tribunals to deal with the conflict in the former Yugoslavia and the genocide in Rwanda. These tribunals, the International Criminal Tribunal for the former Yugoslavia (ICTY) established in 1993, and the International Criminal Tribunal for Rwanda (ICTR) in 1994, have been followed by hybrid tribunals in Sierra Leone and Cambodia, and in other regions of the world. All these are a legacy of the Holocaust and related trials, demonstrating the value of the rule of law as a preeminent response to mass atrocities. Also relevant is the establishment of the permanent International Criminal Court (ICC) in 2002, an institution that could be classed as a direct descendant of the Nuremberg and Tokyo Tribunals and Trials, as well as the tribunals for the former Yugoslavia and Rwanda.

Beyond criminal prosecutions, the Holocaust has also impacted the development of norms and practices related to human rights in responding to mass atrocities. A transitional justice regime has grown in response to domestic atrocities in post-conflict or post-authoritarian situations. While prosecutions are still a favored option in transitional

justice, other measures have gained prominence. The shift from punitive justice models to restorative and reparative justice approaches continues.

Some of the components of these models originate outside the immediate legacies of the Holocaust, but are not incompatible with the legacy. These include the use of truth and reconciliation/historical commissions, reparations and non-monetary remedies, lustration processes, and guarantees of non-repetition, which mirror the “4d’s” program adopted by Allied Powers in Germany after World War II. Forms of denazification, the most prominent of the “4 d’s” (denazification, demilitarization, decentralization, and decartelization), continue to be in play in post-conflict or post-authoritarian situations, signaling another enduring legacy of the Holocaust's aftermath. Often, these options complement the punitive models.

Ongoing legacies

With the adoption of the “Never Again” slogan, efforts to prevent mass atrocities have gained prominence. Genocides and mass atrocities have not stopped since the adoption of the Genocide Convention, the 1949 Geneva Conventions on the laws of war, and other human rights treaties. The UN has adopted the doctrine of Responsibility to Protect (R2P), a reformulated version of the doctrine of humanitarian intervention.

The R2P doctrine aims to protect individuals from the worst atrocities committed by their government and places responsibility on the international community, acting through the United Nations Security Council. The main pillars of the R2P are (1) a state’s responsibility to protect its own citizens; (2) the responsibility of the international community to aid States in protecting their citizens; and (3) timely and decisive action by the international community when States fail to protect their citizens. The UN has also created the Office of the Special Adviser on the Responsibility to Protect who leads the conceptual, political, institutional, and operational development of the Responsibility to Protect. There is also the Office of the Special Adviser to the UN Secretary-General on the Prevention of Genocide, which serves as an early-warning mechanism and recommends actions to prevent or halt genocide. Despite best intentions, conflicts continue, with mass atrocities in tow. However,

these efforts constitute building blocks in the bid to rid States and societies of genocides and mass atrocities, and to continuously affirm the dignity and worth of all. The goal of human rights for all is not unattainable. The Holocaust and its aftermath helped in the creation of the current international human rights regime. While challenges remain, we must not surrender the gains made since 1948.

About the Author

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He is the author of *Human Rights and State Collapse in Africa* (2009) and *Atrocity Crimes, Atrocity Law and Justice in Africa* (2021). Among others, Dr. Akinrinade has participated in the 2023 inaugural Alan Cornell U.S. Campus Faculty Seminar (at the Yad Vashem International School of Holocaust Studies, Jerusalem, Israel), the 2015 Jack and Anita Hess Faculty Seminar, the 2018 Programs on Ethics, Religion, and the Holocaust Faculty Seminar, and the 2021 Curt C. and Else Silberman Virtual Seminar for Faculty (United States Holocaust Memorial Museum, Washington D.C.), the 2017 Auschwitz Jewish Center Fellows Program (the Museum of Jewish Heritage, New York), and the 2014 Holocaust Educational Foundation's Summer Institute on the Holocaust and Jewish Civilization (Northwestern University, Evanston, IL).

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