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Consider the General Comment No.5 (/c4x/LouvainX/Louv2.01x/asset/_Materials__Non-Judicial_Mechanisms_Final_.pdf) adopted in 2003 by the Committee on the Rights of Child, the body of independent experts in charge of supervising compliance with the 1989 Convention on the Rights of the Child. The Committee identifies a range of non-judicial tools that could be used in order to improve the promotion and protection of human rights, beyond what might be achieved by judicial means of enforcement.

But why would it not be sufficient to establish courts empowered to adjudicate cases on the basis of human rights?

Here are some limitations that courts face as they adjudicate human rights claims:

1. Courts only intervene when requested to do so by claimants; as a result, many instances of violation may go unremedied (and their authors, remain unpunished), due to the various obstacles that victims face in addressing the courts (for instance, the courts may be distant, or legal proceedings too expensive to launch for poor litigants).
2. Where a violation is relatively minor but widespread, no individual victim may be willing to file a complaint before a court, because the cost to him will be high, whereas the benefits will go to all who are equally injured by the violation. This collective action problem results in a paradoxical situation in which the violations affecting the largest numbers may be left unaddressed if we count only on the judicial system to remedy them.
3. Courts look backwards: they address past violations or, at best, ongoing violations; only where the violation is imminent may they exceptionally intervene preventively. A system in which violations can only be addressed once they have taken place is not satisfactory. It would be better to ensure protection of human through institutions equipped to act preventively.
4. Courts address individual situations, on an *ad hoc* basis, relying on the information provided to them by the parties to the case. They cannot design solutions that are based on the views of a large number of people, or on the full range of stakeholders concerned by a particular issue.
5. Courts can only grant a limited range of remedies: they can find that a violation has occurred; order that it be ceased; and provide compensation. In contrast, it is more difficult for them to design inventive remedies, that provide innovative solutions to the issue presented.

Can you think of any other argument that explains the interest for non-judicial tools in the promotion and protection of human rights?

INSTRUCTIONS: In responding to the above questions, **DO NOT click on 'New Post'**. Click on '**Show discussion**', and then, in the first discussion thread, called '**[7.3.1] Why have non-judicial human rights promotion mechanisms?**', click on '**View discussion**' and then on '**Add a response**' to propose your views to the community. If you want to comment on a peer's opinions in that thread then click on '**Add a comment**' in his response. You can also watch the tutorial

Non-judicial tools for the promotion and prot...


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(<http://youtu.be/SINSJKdez6g>) (see also, the updated (<http://youtu.be/TNoOB8q19kQ>) version) in order to make the best use of the interface.

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