



TRANSCRIPT

Source: [Louv2.01x] Protecting human rights at international level

Welcome to section eight of this course. In this section, we will examine the mechanisms that have been established for the protection of Human Rights at international level. Victims of human rights violations in fact, will often have the choice between different mechanisms that are available to them to challenge the inability of the State to protect their rights at domestic level.

And the most effective mechanisms they will have access to are those established in regional settings. Respectively by the Council of Europe, the Organization of American States and the African Union. In 1950, already, within the Council of Europe that was established in 1949, a first European Human Rights Convention was adopted, establishing at the time, two bodies -- the European Commission on Human Rights and the European Court of Human Rights -- that provided, for the first time, an international judicial mechanism of protection of human rights. And it was at the time a quite advanced mechanism, the most advanced that existed in the world. And to a large extent, this provided the model for later the Organization for American States and the African Union to move in the same direction.

Now, since the European Court of Human Rights was established, the European Convention on Human Rights entered into force in 1953, and the first judgment of the European Court of Human Rights was in 1961. It has developed a very impressive case law, some aspects of which we've been studying in the past sections of this course. And it is really the most effective mechanism of protection probably that we have today at international level.

In 1969, the American Convention on Human Rights was adopted for the Organization of American States. And this establishes an Inter-American Commission on Human Rights, as well as the Inter-American Court of Human Rights. Very much modeled on the European model that was available at the time.

And since that American Convention on Human Rights entered into force, the Inter-American Commission and Courts of Human Rights have been making progress in a number of directions on some issues such as, enforced disappearances, massive violations of human rights, or the rights of indigenous peoples. It's fair to say that the Inter-American Human Rights system has been leading the direction and really moving international human rights law forward.

More recently the African Union has been making progress in this direction. Now the African Charter on Human and People's Rights was adopted in 1986. But it is in 1998 that the Ouagadougou Protocol was adopted establishing the African Court on Human and People's Rights. This protocol entered into force in 2004.

It puts in place an 11 member court for human rights on the African continent, and recently it has delivered its first judgments. And gradually it will certainly contribute further to the development of international human rights law. So these regional mechanisms of protection -- which are judicial -- in which international courts adjudicate disputes between victims of human rights violations and states, on the other hand, are certainly the most effective mechanisms that we have.

In this section, however, we will focus more on the universal level established by the United Nations human rights mechanisms. And as you will see this section, is divided in essentially two big parts.

The first part will look at UN charter-based mechanisms of protection. By this I mean that under the United Nations Charter, the UN has a series of mechanisms that apply to all the UN member states independently of the treaties that they may have ratified. And this protection of human rights at universal level under the UN Charter, is today in the hands of the Human Rights Council.

The body that in 2006 succeeded the Commission on Human Rights that for 60 years -- between 1946 and 2006 -- was the leading, the most important body within UN system dealing with human rights issues. The Commission on Human Rights had been established as a Committee of the Economic and Social Council under Article 68 of the UN Charter. The Human Rights Council has a status that is improved in comparison to the Commission on Human Rights as we see. It is now a body that meets three times per year, it has a composition of 47 member states elected by the General Assembly, and we will examine the tools that the Human Rights Council has at its disposal. Now apart from the Human Rights Council, and the monitoring of human rights that applies to all member states of the UN, we have of course the UN Human Rights Treaties. And we saw earlier on at the very beginning of this course, that there are nine 'core' UN Human Rights treaties, each of them establishing one body of independent experts monitoring compliance with these conventions.

The first one to be established and to enter into force was the International Convention for the Elimination of all Forms of Racial Discrimination, establishing the Committee on the Elimination of Racial Discrimination. But since then we have seen a proliferation of such treaties. And today, as I said, there are nine such treaties in operation in total.

And we will examine in the second part of this section, how these human rights treaty bodies function, looking at how they receive state's reports on which they react by providing feedback in the form of concluding observations on the reports that they examine. And we will examine how individuals may file communications with these committees for these communities to find whether or not there has been a violation committed by the state against which these communications are addressed.

So there's a distinction between these committees -- established by UN Human rights treaties --, of course, applying only to those states that have ratified these treaties, and the Charter-based mechanisms in the hands of the Human Rights Council that apply to all UN member states. And that are therefore, more universal in their scope. But this is how we will proceed in this section, and I look forward to our discussions.