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Help

## PROBLEM - THE SAWHOMAYAXA CASE (PART 3) (1/1 point)

3. Human rights are referred to in the Preamble of the Charter of the United Nations (<http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>), and they are also mentioned as one of the purposes of the UN (art. 1(3) of the Charter) and as an objective of international economic and social cooperation within the framework of the UN (article 55 (c)); moreover, article 56 of the Charter imposes obligations both on the organization itself and on its Member States to contribute to the fulfilment of human rights and fundamental freedoms for all without discrimination. Article 103 of the UN Charter provides that "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." Therefore, human rights obligations, as they have their source in the UN Charter, should be considered to trump obligations imposed under any other treaty, should a conflict arise between the two.

☒ valid ✓  
☐ invalid

### [EXPLANATION]

This argument is *valid*. A majority of the legal doctrine considers that the duty to comply with human rights, as listed in the Universal Declaration of Human Rights, is imposed under the Charter of the United Nations on all its Members. This is confirmed, at least implicitly, by the Universal Period Review mechanism established in 2007, when the Human Rights Council succeeded to the Commission on Human Rights: according to Human Rights Council Resolution 5/1 'Institution-building of the United Nations Human Rights Council' (18 June 2007), the review under the UPR shall take the Universal Declaration of Human Rights as its basis, in addition to the UN Charter, the human rights instruments adopted by the State concerned, and voluntary pledges and commitments made by the State.

Check

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