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The video below provides an introduction to **Section 7**. It makes the following arguments:

1. The role of national authorities in protecting human rights is *particularly important* since, in contrast to trade or investment treaties for instance, the other States parties to international human rights treaties have few incentives to police non-compliance with human rights norms.

International law is generally enforced through the *decentralized reactions* of States: such enforcement is based on counter-measures adopted by States when one State does not comply with its obligations. This, however, is not particularly effective for human rights treaties, and the enforcement mechanisms set up by these treaties are often weak (though some do establish international courts whose judgments are binding, and generally complied with by the States to whom they are addressed).

2. *Domestic courts* of course have a key role to play in enforcing human rights norms binding on States. But there are a number of limitations :

- not all States accept that their domestic courts can *directly apply* international human rights treaties;
- whereas victims may obtain reparation before domestic courts *after* a violation has been committed, it would not be acceptable for States to avoid having their international responsibility engaged simply by providing such reparation to victims, on a case-by-case basis, rather than removing the structural causes of such violations and, thus, adopting the necessary measures to avoid their repetition;
- there are a number of weaknesses inherent in litigation as a means of deterrence against human rights violations. In certain cases, for example where the violations are widespread but only minimally affect each individual concerned, where they are committed without the individuals ever being aware of them – as in the case of the imposition of secret surveillance measures – or where individuals have reasons to fear reprisals if they file an application before a court, judicial mechanisms may prove ineffective. In addition, courts may feel ill-equipped to deal with general issues, which concern a collectivity of individuals or general policies.

For all these reasons, judicial remedies *may have to be complemented by other, non-judicial mechanisms*, which will ensure that the law- and policy-making in a State will comply with its obligations under the human rights treaties to which it is a party.

3. This section of the course will therefore examine both judicial and non-judicial remedies, and it will insist on the important role of civil society and committed individuals in the enforcement of human rights norms.

[Louv201x] Protecting human rights at the national level

YouTube



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Welcome to Section 7 of this course on international human rights, in which we will study the role of domestic authorities, national authorities, in the protection of human rights.

This is a very important topic and it's important for a few reasons.

The first one of which is, very simply, that in international human rights law

Help

You may also watch this video on YouTube (<http://youtu.be/Wbdq5FtnF7w>), or download it here (<http://podcast.uclouvain.be/z5QUHYtsBG>) (captions (http://c4x/LouvainX/Louv2.01x/asset/_Captions_Louv201x_-_The_protection_of_human_rights_at_national_level.srt) in .srt format and a full transcript (http://c4x/LouvainX/Louv2.01x/asset/_Transcript_Louv201x_-_The_Protection_of_human_rights_at_national_level.pdf) are also available).



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