



Louv2.01X
International Human Rights

Prof. Olivier De Schutter
assisted by Matthias Sant'Ana

International Human Rights

**INTERNATIONAL
HUMAN RIGHTS**

Olivier De Schutter

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The origins of human rights:

- in national constitutions
- in international law:
 - . the Atlantic Charter
 - . the UN Charter

International Human Rights - section 1

■ The recognition of human rights under the UN Charter

Article 1

The Purposes of the United Nations are: (...)

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; (...)



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International Human Rights - section 1

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Chapter IX: International Economic and Social Co-Operation

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- higher standards of living, full employment, and conditions of economic and social progress and development;
- solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

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International Human Rights - section 1



Ricardo J. Alfaro

Former president of Panama
Member of the American Law
Institute
(‘Statement on Essential
Human Rights’, 1944)

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Chapter X. The Economic and Social Council

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

...

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

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The Commission on the Status of Women

ECOSOC resolution 11(II) of 21 June 1946 : establishes the CSW

- aim: to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields and to make recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

The Commission on Human Rights

ECOSOC resolution 5(I)/9(II) of 16 February 1946 :

Commission on Human Rights (18 members representing governments; 53 members until its replacement by the Human Rights Council (UNGA Res. 60/251 of 15 March 2006))

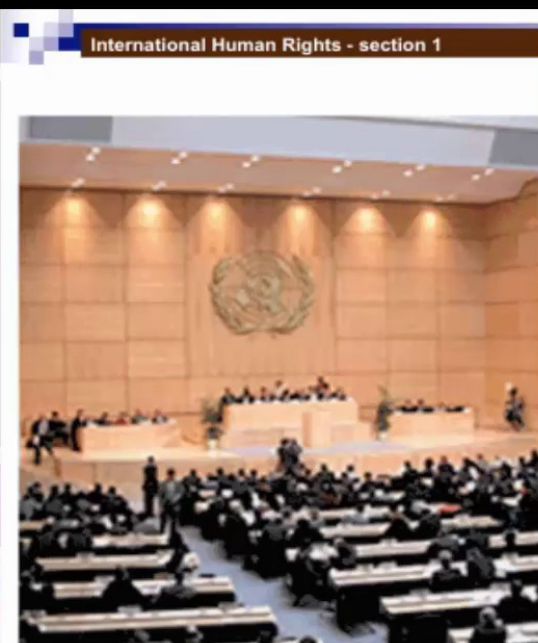
→ **Sub-Commission on the Promotion and Protection of Human Rights** (before 1999: Sub-Commission on Prevention of Discrimination and Protection of Minorities): 26 human rights independent experts)

→ **Universal Declaration on Human Rights**, UNGA Res. 217 A (III) of 10 December 1948 (prepared by the comparative study of J. Humphrey).

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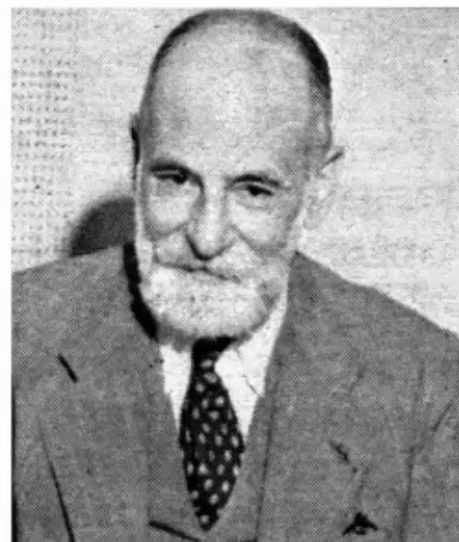
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International Human Rights - section 1

Eleanor Roosevelt & René Cassin



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John P. Humphrey

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International Human Rights - section 1



President F. D. Roosevelt signing the Social Security Act, 14 August 1935

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F.D. Roosevelt's State of the Union address to the U.S. Congress, 1944:

'...a basic essential to peace is a decent standard of living for all individual men and women and children in all Nations. Freedom from fear is eternally linked with freedom from want. ... We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. 'Necessitous men are not free men'. People who are hungry and out of a job are the stuff of which dictatorships are made. ... We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all regardless of station, race, or creed'.

The origins of human rights:

- in national constitutions
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 - the Atlantic Charter
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 - **the Universal Declaration of Human Rights** (interdependence and indivisibility of rights)



International Human Rights - section 1

Art. 22 Universal Declaration of Human Rights:

'Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality'.

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International Human Rights - section 1

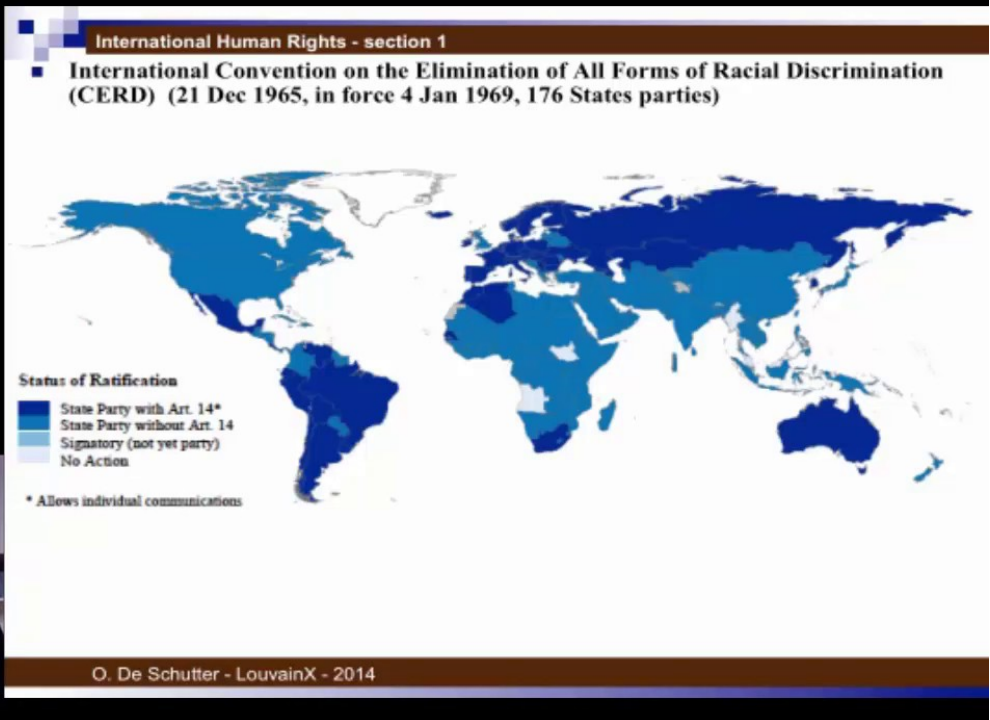
The (nine) 'core' UN human rights treaties

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (21 Dec 1965, in force 4 Jan 1969, 176 States parties on 1 Nov. 2013)
- International Covenant on Civil and Political Rights (ICCPR) (16 Dec 1966, in force 23 March 1976, 164 States parties)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (16 Dec 1966, in force 3 Jan 1976, 160 States parties)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (18 Dec 1979, in force 3 Sept 1981, 187 States parties on 1 Nov. 2013)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (10 Dec 1984, in force since 26 June 1987, 146 States parties)
- Convention on the Rights of the Child (CRC) (20 Nov 1989, in force since 2 Sept 1990, 193 States parties)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) (18 Dec 1990, in force since 1 July 2003, 47 States parties on 1 Nov. 2013)
- International Convention for the Protection of All Persons from Enforced Disappearance (entry into force on 23 Dec. 2010; 40 States parties on 1 Nov. 2013) (CED) (adopted on 20 December 2006 and opened for signature on 6 February 2007)
- Convention on the Rights of Persons with Disabilities (in force since 3 May 2008, 138 States parties on 1 Nov. 2013, 79 Parties to the Optional Protocol) (CPWD) (adopted on 13 December 2006 and opened for signature in New York on 30 March 2007)

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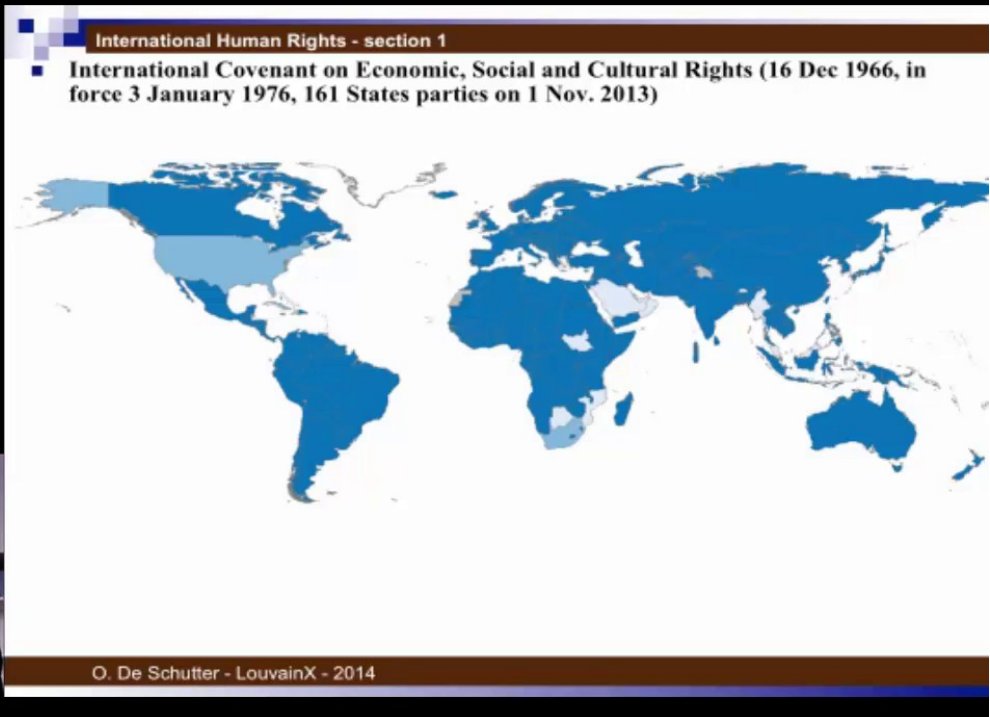
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 - . **core human rights treaties**



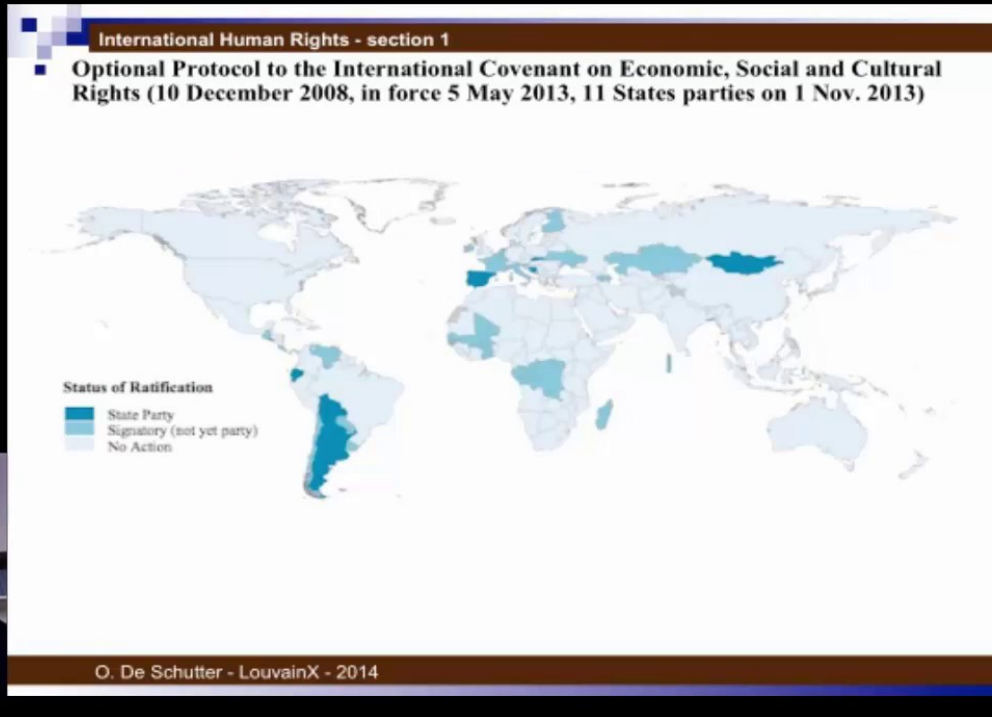
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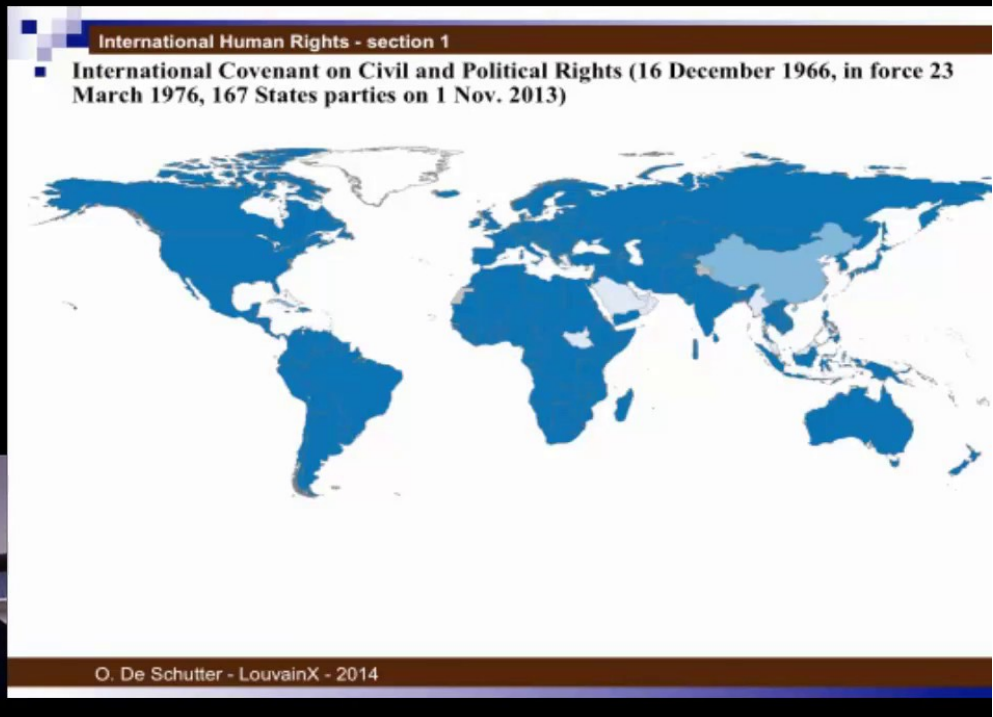
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International Human Rights - section 1

■ **Optional Protocol to the International Covenant on Civil and Political Rights (16 December 1966, in force 23 March 1976, 115 States parties on 1 Nov. 2013)**

A world map showing the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights. The map uses a color scale where darker shades of blue indicate a higher number of ratifications. Most of Europe, North America, and Australia are in the darkest blue, indicating high ratification. Many countries in Africa, Asia, and South America are in lighter shades, indicating fewer ratifications.

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International Human Rights - section 1

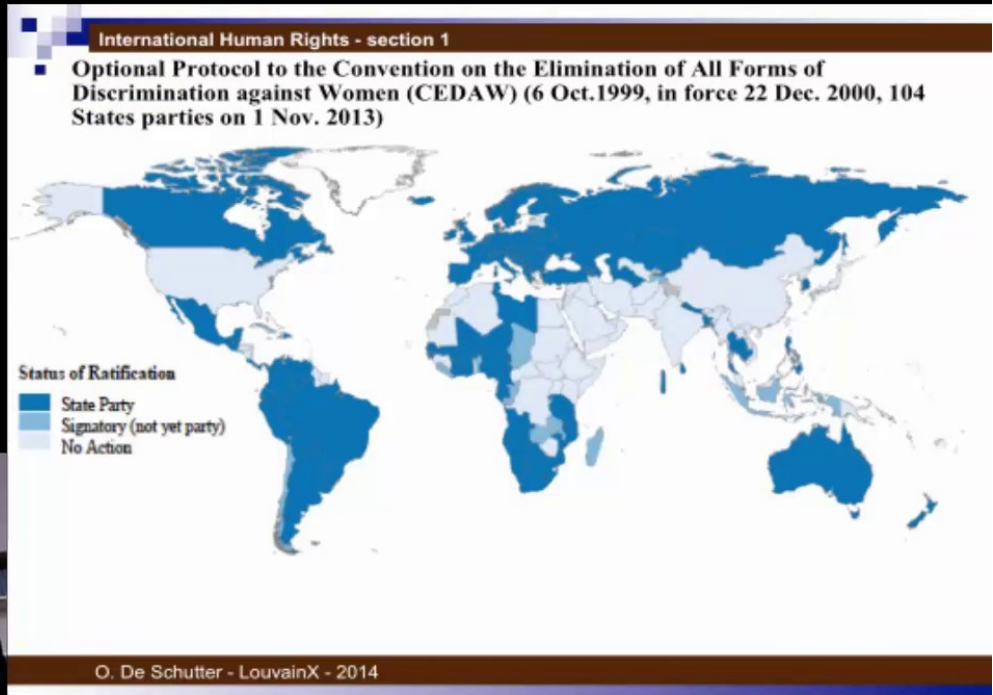
■ **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (18 Dec 1979, in force 3 Sept 1981, 187 States parties on 1 Nov. 2013)**

A world map showing the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The map uses a color scale where darker shades of blue indicate a higher number of ratifications. Most of Europe, North America, and Australia are in the darkest blue, indicating high ratification. Many countries in Africa, Asia, and South America are in lighter shades, indicating fewer ratifications.

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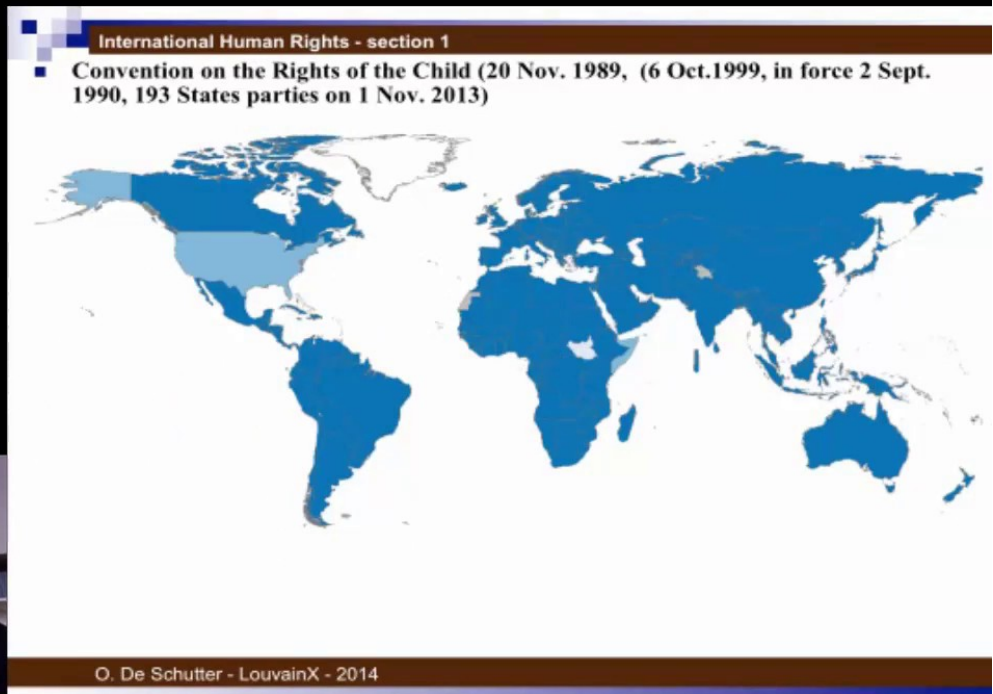
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The origins of human rights:

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 - . core human rights treaties
 - . **other treaties relevant for human rights**



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Other relevant UN treaties

- Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 December 1948)
- Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (New York, 26 November 1968)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (New York, 30 November 1973)

The 'core' UN human rights treaties

- establish monitoring bodies (independent experts)
- which adopt concluding observations on States' reports, general comments (CERD: general recommendations), decisions (final views) on individual communications (except CESC and CRC)
- the notion of the 'International Bill of Human Rights' and the separation between civil and political and economic, social and cultural rights

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 - . **ICESCR & ICCPR comparison**



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ICESCR	ICCPR
Initially, no Committee of independent experts: reports received by Ecosoc until 1985 (Ecosoc Res. 17/1985 of 28 May 1985 established CESC)	Human Rights Committee
General Comments No. 3(1990) and No. 9(1998)	Obligation to provide effective remedy to victims: Art. 2(3) ICCPR
Individual communications (OP-ICESCR 2008, in force 5.5.2013)	Individual communications (OP-ICCPR 1966)
Progressive realization (Art. 2(1) ICESCR)	Immediate
Subject to resources	
International cooperation	

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