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UPDATE: International Human Rights

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UPDATE: International Human Rights¹

by
James Hart²

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1. Introduction

This guide explains the procedures of the major international human rights systems because it is procedures that create the need to record or communicate. In other words, documents emanate from critical junctures in a process. The guide does not cover the content of the human rights themselves. Nor does it explicate the websites that hold the documents, but it will give you the information you will need to understand them. The guide will, however, give you URLs. With the information in the guide, you will be able to navigate your way through the websites without detailed directions.

International human rights are based on treaties that have secretariats that monitor the contracting parties’ adherence, interpret the treaty, perhaps provide an enforcement mechanism, and provide other support to the members of the intergovernmental organization,

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potential victims of abuses, and other adherents of human rights. At the same time that there has been a sharp increase in the number of these intergovernmental organizations, information technology has taken on new forms, increased its reach to the entire globe, and decreased the cost of disseminating information. These two waves of development have combined so that now one can find an enormous portion of the documents one needs on international human rights online.

The first part of this guide is organized geographically. It covers the intergovernmental organizations that cover the globe, followed by those that cover the regions that have major human rights treaties. Following that the guide will list of both domestic and foreign human rights journals.

2. The Global View – The United Nations (un.org)

The United Nations is the only inter-governmental organization that covers the entire globe and whose scope of activity covers so many subjects. The United Nations was established on October 24, 1945, by the governments of 51 countries, particularly the victors of WWII -- the United States, England, France, and the Soviet Union. As of this writing there are currently 193 member nations of the UN.

The UN itself describes its main purposes as maintaining international peace and security, protecting human rights, delivering humanitarian aid, promoting sustainable development, and upholding international law. It is, therefore, an extremely large and complex organization with an enormous amount of documentation. As such it provides a few general databases of documents from all of its subdivisions particularly the official UN document repository, Official Documentation System (ODS), and the UN Treaty Collection. These can be very helpful if you don't know which documents will contain the information you need or you're not sure of which agency has responsibility for the subject.

2.1 The Organization of Human Rights in the UN

2.1.1 The Office of the High Commissioner for Human Rights

<<http://www.ohchr.org/EN/pages/home.aspx>>

The High Commissioner for Human Rights was established in 1993 as the part of the UN Secretariat with responsibility for human rights. Its mandate is to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties.

(<www.ohchr.org/EN/AboutUs/Pages/Mandate.aspx>) The Office of the High Commissioner provides

“...expertise and support to the different human rights monitoring mechanisms in the United Nations system: UN Charter-based bodies, including the Human Rights Council, and bodies created under the international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations. Most of these bodies receive secretariat support from the Human Rights Council and Treaties Division of the Office of the High Commissioner for Human Rights (OHCHR).” (<www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>)

Each treaty has its own committee that has responsibility for organizing and implementing the work mandated by the treaty. Two of the committees are created by the UN Charter and nine others were created by the treaties whose work they perform. The Human Rights Bodies page

<www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx> will provide you with a detailed explanation of this organization and links to pages for each body.

2.1.1.1 The Human Rights Council

<<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>>

The predecessor of the Human Rights Council was the United Nations Commission on Human Rights, which was founded in 1946. The Commission was dissolved by the United Nations in 2006 and replaced by the Council in the hope that it would improve the UN's support of human rights.

The Human Rights Council meets for at least 10 weeks per year at the United Nations Office in Geneva, Switzerland, in regular sessions usually taking place in March, June and September.

(<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/HRC_booklet_En.pdf>)

The Human Rights Council inherited the special procedures from the Commission and added the Universal Periodic Review, the Advisory Committee, and the Complaint Procedure. All of the new procedures were intended to strengthen the UN's enforcement of the treaties that the member states had accepted.

The Council's responsibilities include all UN human rights treaties from the Universal Declaration of Human Rights to the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

2.1.1.2 Charter Bodies

The charter bodies are:

- Human Rights Council <www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>
 - Special Procedures established by the Commission on Human Rights <www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>
 - Universal Periodic Review <www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- Commission on Human Rights <www.ohchr.org/EN/HRBodies/CHR/Pages/CommissionOnHumanRights.aspx>
 - Sub-Commission for the Promotion and Protection of Human Rights <<http://www.ohchr.org/EN/HRBodies/SC/Pages/SubCommission.aspx>>

The charter bodies differ from the treaty bodies in that they:

- Derive their establishment from provisions contained in the Charter of the United Nations
- Hold broad human rights mandates
- Address an unlimited audience
- Take action based on majority voting (<<http://research.un.org/en/docs/humanrights/charter>>)

2.1.1.3 Special Procedures of the Human Rights Council

<<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>>

“The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective..... As of 24 March 2017, there are 43 thematic and 13 country mandates.”

(<www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>). The special procedures may be individuals called Special Rapporteurs or Individual Experts or groups of five called Working Groups. Working groups are appointed by the Human Rights Council and have one representative from each of the major geographic areas of the world: Africa, Asia, Latin America and the Caribbean, Eastern Europe and the Western group. Both individuals and Working Groups act as independent experts, not as representatives of their countries of origin or residence.

Special procedures may visit countries, send communications concerning alleged violations, write thematic studies, consult experts, participate in the development of human rights standards, engage in advocacy, promote public awareness, and provide advice for technical cooperation. All of them submit reports to the Human Rights Council annually and some submit reports to the General Assembly.

2.1.1.4 Universal Periodic Review (UPR)

<<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>>

All UN members go through the Universal Periodic Review “...to improve the human rights situation in all countries and address human rights violations wherever they occur.”

<www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> The UPR Working Group consists of all the members of the Human Rights Council meeting as the UPR Working Group. The reviews take place during the three meetings of the UPR Working Group that occur annually. The UPR receives information from the countries themselves (often called national report); from reports of the Special Procedures, human rights treaty bodies, and other UN entities; and from national human rights institutions and other intergovernmental and nongovernmental organizations. The most common types of documents produced by the UPR are

- National report
- Compilation of UN information
- Summary of stakeholders' information
- Questions submitted in advance
- Outcome of the review
- Report of the Working group
- Decision of the outcome
- Related webcast archives

This information is all accessible from the UPR website.

- Report
- Reporting cycle related
- Session related
- CERD – Early Warning and Urgent Action
- Jurisprudence
 - Inquiry
 - Meetings of states parties
 - SPT Related
 - Follow-up to concluding observations

2.1.1.5 Treaty Bodies <www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

There are nine UN treaty bodies governing international human rights. The treaty based bodies differ from the charter based bodies in that they:

- Derive their existence from provisions contained in a specific legal instrument;
 - Hold more narrow mandates: the set of issues codified in the legal instrument;
 - Address a limited audience: only those countries that have ratified the legal instrument; and
 - Base their decision-making on consensus.
- (<<http://research.un.org/en/docs/humanrights/treaties>>)

Nine treaty bodies have procedure for dealing with individual complaints. Only one of them (CMW) has not come into force yet. Although there are variations among the procedures of the committees, "...their design and operation are very similar."

(<<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#CMW>>) Anyone can submit a complaint and complaints should be submitted as soon as possible after all the domestic remedies have been completed. The process begins when a complaint is received. It is registered as long as it contains all the information needed; and the state is both a party to the treaty and has declared its acceptance of the individual complaint procedure. At this point the state is informed of the complaint to give it an opportunity to comment. Indeed all parties are kept informed at every stage of the process. Complaints are examined on both admissibility and merits. Although both are usually examined at the same time, sometimes admissibility is examined first. The state is given six months to respond. If it wishes to oppose admissibility, it must submit its arguments within the first two months. There is a long list of requirements that must be met before a complaint is admitted. You can find them here<<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#CMW>>. The committee may then examine the complaint to judge whether or not the alleged acts do in fact violate the treaty. The committee must give its reasons in writing, but they are not legally binding. They are recommendations. The decisions are available in the Treaty bodies database. When enough decisions accumulate on a particular issue, the jurisprudence on the various articles of the applicable treaty is provided in a committee's "General Comments." These can be found on the website of each treaty body, in the Treaty body database, and in the Universal human rights index. Some of the treaty bodies websites label the General Comments just Jurisprudence.

Each one has a webpage with an introduction and links to more detail and collections of documents relevant to the committee's work. The left hand column is organized into the following categories: the committee, basic documents, the work of the committee, general discussions, events (only CRC), participation in the work of the committee, contact, and media. The section on the work of the committee is organized into the following subdivisions: key documents relating to reporting cycles, reporting to the committee, the complaints procedure, and urgent actions (only CED). Although the contents of these sections appear to follow a similar pattern, they vary as the committees vary from each other. The center column gives an introduction to the scope of the committee's work. The right hand column is organized into the following categories: country-specific, meetings and deadlines, search, publication, useful links, and external links. The search category provides links to the Treaty body database and the Universal Human Rights Index.

(<<http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>>)

The Treaty body database holds all the documents produced by the treaty bodies. Searches can be limited by state/entity or geographic region, committee, document type, UN symbol, and

date. The Universal Human Rights Index “...provides easy access to country-specific human rights information emanating from international human rights mechanisms in the United Nations system: the Treaty Bodies, the Special Procedures and the Universal Periodic Review (UPR).” (<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en>

- Human Rights Committee (HRC)
<www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- Committee on Economic, Social and Cultural Rights (CESCR)
<www.ohchr.org/EN/HRBodies/CESCR/pages/cescrindex.aspx>
- Committee on the Elimination of Racial Discrimination (CERD)
<www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>
- Committee on the Elimination of Discrimination Against Women (CEDAW)
<www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx>
- Committee Against Torture (CAT)
<www.ohchr.org/EN/HRBodies/CAT/pages/catindex.aspx>
- Committee on the Rights of the Child (CRCD)
<www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
- Committee on Migrant Workers (CMW)
<www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>
- Committee on the Rights of Persons with Disabilities (CRPD)
<www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>
- Committee on Enforced Disappearances (CED)
<www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx>
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
<www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx>

You will find the following types of documentation in the Treaty Bodies area of the website:

- Country Visits by thematic special procedure
 - State invitations
 - Dialogue with State
 - Report to HR Council
- Communications
 - Allegations of violations
 - Appeals & letters to States
 - Reports to Human Rights Council of communications sent and the responses received at each regular session.
- Others
 - thematic studies,
 - develop human rights standards and guidelines,
 - participate in expert consultations, seminars and conferences,
 - organize panels during the sessions of the Human Rights Council,
 - organise “working visits”, i.e. in-country missions that are not fact-finding but a mix between technical assistance, mediation and the development of best practices, and raise public awareness about specific human rights situations and phenomena attesting threats to and violations of human rights through public statements and interaction with a wide variety of partners.

2.2 UN Human Rights Documents Listed by Subject Adequate Housing

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
Toolkit on the right to adequate housing

Administration of Justice

Expert Consultation on the Administration of Justice

Albinism

Independent Expert on the enjoyment of human rights by persons with albinism

Business and Human Rights

Business and Human Rights

Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights

Working Group on the issue of human rights and transnational corporations and other business enterprises

Children

Children Deprived of Liberty - The United Nations Global Study

Committee on the Rights of the Child (CRC)

OHCHR Thematic reports on children

Special Rapporteur on the sale of children, child prostitution and child pornography

United Nations Study on Violence against Children

Civil and Political Rights

Human Rights Committee (HRC)

Climate change

Human Rights and climate Change

Rio+20 - United Nations Conference on Sustainable Development

Coercive measures

Special Rapporteur on unilateral coercive measures

Unilateral coercive measures and human rights

Conscientious objection

Conscientious objection to military service

Cultural rights

Special Rapporteur in the field of cultural rights

Death penalty

Death penalty

Democracy

Equal participation in political and public affairs

Forum on Human Rights, Democracy and the Rule of Law

Rule of Law - Democracy and Human Rights

Detention

Working Group on Arbitrary Detention

Development (Good Governance and Debt)

Development - Good governance

Human rights and the financial crisis

Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

Open-ended working group on the right to development

Right to development

Special Rapporteur on the right to development

Disability and Human Rights

Human Rights of persons with disabilities

Special Rapporteur on the rights of persons with disabilities

Disappearances

Committee on Enforced Disappearances (CED)

Working Group on Enforced or Involuntary Disappearances

Discrimination

A special focus on discrimination

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Economic, Social and Cultural Rights

Committee on Economic, Social and Cultural Rights

Economic, Social and Cultural Rights Portal (ESCR)

Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Education

Human rights education and training

Special Rapporteur on the right to education

Environment

Human Rights and the Environment

Rio+20 - United Nations Conference on Sustainable Development

Special Rapporteur on human rights and the environment

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Executions

Special Rapporteur on extrajudicial, summary or arbitrary executions

Food

Special Rapporteur on the right to food

Toolkit on the Right to Food

Forced evictions

Forced evictions

Freedom of Opinion and Expression

Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Freedom of peaceful assembly and of association

OHCHR Seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Freedom of Religion and Belief

Beirut Declaration and its 18 commitments on "Faith for Rights"
Special Rapporteur on freedom of religion or belief

Health

Consultation on Elimination of discrimination against persons affected by leprosy and their family members
Maternal and Child Health
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Toolkit on the Right to Health

HIV/AIDS

HIV/AIDS and Human Rights

Human Rights Defenders

Special Rapporteur on Human Rights Defenders

Human rights education and training

Human rights education and training
United Nations Declaration on Human Rights Education and Training
World Programme for Human Rights Education (2005-ongoing)

Human Rights Indicators

Human Rights Indicators

Humanitarian action

OHCHR and the World Humanitarian Summit

Independence of Judiciary

Special Rapporteur on the Independence of Judges and Lawyers

Indigenous Peoples

Expert Mechanism on the Rights of Indigenous Peoples Fellowship programme
Main page Indigenous Special Rapporteur on the rights of indigenous peoples
United Nations Voluntary Fund for Indigenous Peoples

Internal Displacement

Special Rapporteur on the Human Rights of Internally Displaced Persons

International Order

[Independent Expert on the promotion of a democratic and equitable international order](#)

International Solidarity

[Independent expert on human rights and international solidarity](#)

Land and Human Rights

[Land and Human Rights](#)

Mercenaries

[Special Rapporteur on use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination](#)

[Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination](#)

Migration

[Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families \(CMW\)](#)

[Migration and Human Rights](#)

[Special Rapporteur on the human rights of migrants](#)

Minorities

[Fellowship programme](#)

[Main page Minorities](#)

[Special Rapporteur on minority issues](#)

Nationality

[Right to a Nationality and Statelessness](#)

Older persons

[Independent Expert on the enjoyment of all human rights by older persons](#)

[Older persons](#)

Plans of Action for the Promotion and Protection of Human Rights

[National Plans of Action for the Promotion and Protection of Human Rights](#)

Poverty

[Human rights dimension of poverty](#)

[Special Rapporteur on extreme poverty and human rights](#)

[The draft guiding principles on extreme poverty and human rights: the rights of the poor](#)

Privacy

[Right to Privacy in the Digital Age](#)

[Special Rapporteur on the right to privacy](#)

Private military and security companies

[Intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies](#)

Racism

[Ad-Hoc Committee on the elaboration of complementary standards](#)

Committee on the Elimination of Racial Discrimination
Durban Review Conference (2009)
Fellowship Programme for People of African Descent
Group of Independent Eminent Experts
Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action
International Decade for People of African Descent
Special Rapporteur on contemporary forms of racism
Working Group of Experts on People of African Descent
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban (2001)

Reprisals

Acts of intimidation and reprisal for cooperation with the United Nations in the field of human rights

Rule of Law

Rule of Law
The impact of arms transfers
Weapons and human rights

Sexual orientation and gender identity

Discrimination based on sexual orientation and gender identity

Situations

Working Group on Situations

Slavery

Special Rapporteur on contemporary forms of slavery, including its causes and consequences
Voluntary Trust Fund on Contemporary Forms of Slavery
Working Group on Contemporary Forms of Slavery

Social Security

Toolkit on the Right to Social Security

Terrorism

Human rights and terrorism
Independent expert on Protection of human rights and fundamental freedoms while countering terrorism
Special Rapporteur on the promotion and protection of human rights while countering terrorism

The 2030 Agenda for Sustainable Development

The Sustainable Development Goals and Human Rights

Torture

Committee against Torture (CAT)
Special Rapporteur on torture
Subcommittee on Prevention of Torture
United Nations Voluntary Fund for Victims of Torture

Trade and Investment

Business and human rights
Trade and investment

Traditional values

Human rights and traditional values

Trafficking in Persons

Special Rapporteur on trafficking in persons, especially in women and children

Transitional Justice

Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Treaty Body Strengthening

Treaty Body Strengthening

Urbanization and Human Rights

Urbanization and Human Rights

Violent extremism

Human rights and preventing and countering violent extremism

Water and sanitation

Special Rapporteur on the human right to safe drinking water and sanitation
Toolkit on the Right to Water and Sanitation

Women

Committee for the Elimination of Discrimination against Women (CEDAW)
Special Rapporteur on violence against women, its causes and consequences
Women's Rights and Gender main page
Working Group on the issue of discrimination against women in law and in practice

Youth

Human rights of youth

2.3 Other Organs of the UN

Although this part of the guide will focus on several bodies within the United Nations who have many functions other than human rights, but nevertheless deal with human rights issues. This Guide will not to examine these entities at length, but they must be mentioned because of their various roles in human rights. The UN General Assembly (GA) (<<http://www.un.org/en/ga/>>) supervises the work of the Human Rights Council. The Third Committee of the General Assembly (<www.un.org/en/ga/third/index.shtml>) deals with a range of social, humanitarian affairs and human rights issues. The Economic and Social Council (ECOSOC) (<<https://www.un.org/ecosoc/en/>>) supervised the work of the human rights bodies before 2006. Since then, those bodies have been supervised by the General Assembly and now ECOSOC focuses primarily on sustainable development. The World Health Organization (WHO) (<<http://www.who.int/en/>>) was established when its Constitution came into force on 7 April 1948. Its main areas of work are health systems, promoting health through the life-course,

diseases, corporate services, and preparedness, surveillance and response. The International Labour Organization (ILO) (<<http://www.ilo.org/global/lang--en/index.htm>>) was established in 1919. Its functions are to bring together representatives of governments, employers and workers of 187 member States to set labor standards, develop policies and devise programs that promote decent work for all women and men. The United Nations Children's Fund (UNICEF) (<<https://www.unicef.org/>>) supports 1) the Convention on the Rights of the Child; 2) the protection, inclusion, education, and gender equality of children; and 3) research and analysis on children. The United Nations Human Settlements Programme (UNHABITAT) (<<https://unhabitat.org/>>) promotes socially and environmentally sustainable towns and cities. The International Court of Justice (ICJ) (<<http://www.icj-cij.org/en>>) is the judicial arm of the UN.

2.4 UN Acronyms

- CAT – Committee Against Torture
- CED – Committee on Enforced Disappearances
- CEDAW – Committee on the Elimination of Discrimination Against Women
- CERD – Committee on the Elimination of Racial Discrimination
- CESCR – Committee on Economic, Social and Cultural Rights
- CHR – Commission on Human Rights
- CMW – Committee on Migrant Workers
- CRC – Committee on the Rights of the Child
- CRPD – Committee on the Rights of Persons with Disabilities
- CSW – Commission on the Status of Women
- DAW – Division for the Advancement of Women
- DESA – Department on Economic and Social Affairs
- ESC – Economic and Social Council of the United Nations
- FAO – Food and Agriculture Organization of the United Nations
- HABITAT – United Nations Human Settlements Programme
- HRC – Human Rights Committee
- IASC – Inter-Agency Standing Committee
- ICJ – International Court of Justice
- ILO – International Labour Organization
- NHRI – National Human Rights Institutions
- OCHA – Office for the Coordination of Humanitarian Affairs
- OHCHR – Office of the United Nations High Commissioner for Human Rights
- OSAGI – Office of the Special Adviser on Gender Issues and the Advancement of Women
- SPT – Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- UNAIDS – Joint United Nations Programme on HIV/AIDS
- UNDP – United Nations Development Programme
- UNESCO – United Nations Educational, Scientific and Cultural Organization
- UNGA – General Assembly of the United Nations
- UNHCR – United Nations High Commissioner for Refugees
- UNICEF – United Nations Children's Fund
- UNIFEM – United Nations Development Fund for Women
- UNIFPA – United Nations Population Fund
- UNMA – United Nations Mine Action
- UNTS – United Nations Treaty Series
- UPR – Universal Periodic Review

- WHO – World Health Organization

Globalex and the UN's Dag Hammarskjold Library have a number of excellent guides that can help you find more information:

- United Nations Documentation
<www.nyulawglobal.org/globalex/UN_Resources_Research_Tools1.html> by Leah Granger
- UPDATE: Researching the United Nations: Finding the Organization's Internal Resource Trails<www.nyulawglobal.org/globalex/United_Nations_Research1.html> by Linda Tashbook
- UPDATE: An Introduction to Sources for Treaty Research
<www.nyulawglobal.org/globalex/Treaty_Research1.html> by Mark Engsborg and Mary Beth Chappell Lyles
- UPDATE: À la Recherche des Travaux Préparatoires :
- An Approach to Researching the Drafting History of International Agreements<www.nyulawglobal.org/globalex/Travaux_Preparatoires1.html> by Jonathan Pratter
- UPDATE: Guide to Research on Vienna Convention on Consular Relations Notification Requirements<www.nyulawglobal.org/globalex/Vienna_Convention_Consular_Relations1.html> by Barbara H. Bean Updated by Cindy G. Buys
- UN Documentation: Overview<<http://research.un.org/en/docs/>>, Dag Hammarskjold Library, Last Updated: Jun 7, 2017

3. Africa

Human Rights in Africa is an enormous subject. This section of the guide covers the African Commission on Human and Peoples' Human Rights and the African Court of Justice and Human Rights.

3.1 African Commission on Human and Peoples' Rights (ACHPR)

<<http://www.achpr.org/>>

The Commission was created on November 2, 1987 by the African Charter on Human and Peoples' Rights (<<http://www.achpr.org/instruments/achpr/>>) as an organ of the African Union (AU). It consists of eleven member who are elected by the AU Assembly and serve 6 year terms. The Commission is a quasi-judicial institution that "...is charged [under the Charter] with three major functions:

- the promotion of human and peoples' rights
- the protection of human and peoples' rights
- the interpretation of the African Charter on Human and Peoples' Rights" (<<https://www.au.int/web/en/organs/cj>>)

States, organizations, and individuals can bring complaints against State parties to the Charter for alleged violations of the rights enumerated in the Charter under articles 48-49 and 55. The Commission considers admissibility before each of its sessions and considers those cases admitted at the session. Its website has a detailed explanation of the communications procedures. (<www.achpr.org/communications/procedure/>) In addition the Commission itself may bring communications to the Commission on behalf of complainants. The Commission's final decisions are called recommendations and are not binding on the State concerned. "These

recommendations are included in the Commissioner's Annual Activity Reports which are submitted to the OAU Assembly of Heads of State and Government in conformity with article 54 of the Charter. If they are adopted, they become binding on the States parties and are published.” (<www.achpr.org/communications/procedure>)

The Commission holds two ordinary sessions per year and may call extraordinary ones as needed. The Secretary records both the Commission’s sessions and the meetings of its subsidiary mechanisms. The Secretary prepares a report on each session of the Commission and submits it to the Commission for adoption. “The Commission may invite States, national liberation movements, specialized institutions; NHRIs [National Human Rights Institutions], NGOs or Individuals to take part in its session.” (<www.achpr.org/sessions >) You can find those reports on the website. The Commission submits its own annual report to the AU Assembly. Each country is expected to make periodic reports to the Commission. You can find these reports and the Commission’s Concluding Observations on them on the website.

The Commission also uses subsidiary mechanisms (Special Rapporteurs, Committees and Working Groups) similar to those of the UN Human Rights Council to monitor, identify violations, promote human rights, and advise states on ways to enhance human rights in their countries. Subsidiary mechanisms visit states parties as needed to fulfill their mandates and report on each mission. The subsidiary mechanisms are the following:

- Special Rapporteur on Extra-judicial, Summary or Arbitrary Execution
- Special Rapporteur on Freedom of Expression and Access to Information
- Special Rapporteur on Human Rights Defenders
- Special Rapporteur on Prisons and Places of Detention and Policing in Africa
- Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons, and Migrants in Africa
- Special Rapporteur on Rights of Women in Africa
- Working Group on Specific Issues Related to the work of the African Commission
- Working Group on Indigenous Populations/Communities in Africa
- Working Group on Economic, Social and Cultural Rights
- Working Group on the Rights of Older Persons and People with Disabilities
- Working Group on the Death Penalty and Extra-Judicial, Summary or Arbitrary Killings in Africa
- Working Group on Extractive Industries, Environment and Human Rights Violations
- Working Group on Fair Trial
- Working Group on Communications
- Committee for the Prevention of Torture in Africa
- Committee on the Protection of the Rights of People Living With HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV
- Study Group on Freedom of Association (<<http://www.achpr.org/mechanisms/>>)

At the bottom of each page of the website you will find the following links to documents:

- Resolutions
- Mission Reports
- Activity Reports
- State Reports and Concluding Observations
- Decisions on Communications
- Intersession Activity Reports

3.2 The African Court of Human and Peoples' Rights (ACtHPR) <<http://en.african-court.org/>>

“At the time the OAU adopted the African Charter, very few African States (i.e., Gambia, Senegal, and Botswana), could vaunt of a democratic regime respectful of at least the fundamental human rights.” (<www.pict-pcti.org/courts/ACHPR>). The Commission’s enforcement mechanisms, therefore, were rather ineffectual. The increase in democratic governments in African as well as the Commission’s weak enforcement mechanisms led to a movement for the adoption of a court with stronger enforcement mechanisms. The result was the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights<<http://en.african-court.org/images/Basic%20Documents/africancourt-humanrights.pdf>>, which 24 countries have ratified; 25 countries have signed, but not ratified; and 5 states that have neither signed nor ratified. It came into force on January 25, 2005.

The purpose of the ACtHPR is to complement the protective mission of the Commission. “Complement” here means “reinforce” and it applies only to the Commission’s protective mission. In addition, cooperation between the two institutions is repeated in a number of important articles of the Protocol.

The Court has eleven judges elected by the AU Assembly of Heads of State and Government and the quorum for the examination of cases is seven. Cases can be submitted to the Court by

- The Commission,
- The State Party which has lodged a complaint to the Commission,
- The State Party against which the complaint has been lodged at the Commission,
- The state Party whose citizen is a victim of human rights violation, and
- African Intergovernmental Organizations

Article 5 (3) of the Protocol also says that “The Court may entitle relevant Non Governmental Organizations (NGOs) with observer status before the Commission, and individuals to institute cases directly before it....” (<<http://en.african-court.org/images/Basic%20Documents/africancourt-humanrights.pdf>>). Article 5 (1) (e) allows African intergovernmental organizations to bring a complaint to the Court on behalf of an aggrieved party. In addition any State Party with an interest in a case may request permission to join.

The Court’s jurisdiction includes “...all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned.”(<<http://en.african-court.org/#>>) This last item would potentially include all of the UN human rights and the sub-regional African treaties. The Court may also issue advisory opinions requested by a member state of the AU, the AU itself, any of its organs, or any African organization recognized by the AU.

The Court attempts to get the parties to agree to a friendly settlement if possible. If this is not possible, it holds a hearing at which each side may be represented by counsel and present oral and written evidence. The Court may apply the African Charter on Human and People’s Rights and “any other relevant human rights instruments ratified by the States concerned.” (Protocol Art. 7 <<http://en.african-court.org/images/Basic%20Documents/africancourt-humanrights.pdf>>). The Court may “...make appropriate orders to remedy a violation including the payment of fair compensation or reparation.” (Protocol Art 27 (1) <<http://en.african->

court.org/images/Basic%20Documents/africancourt-humanrights.pdf>). States Parties must submit a separate declaration accepting the competence of the Court to receive cases submitted by individuals or NGOs with Commission observer status. Although the Protocol has been ratified by 30 countries as of January 16, 2017, only 8 of them have submitted such a declaration. The Council of Ministers is informed of judgments and monitors their enforcement.

3.3 The Economic Community of West African States (ECOWAS) <www.ecowas.int/> ECOWAS was “established on May 28 1975 via the treaty of Lagos....” (<<http://www.ecowas.int/about-ecowas/basic-information/>>) to promote economic integration in the member states. Its original vision was very similar to the single market of the Common Market and, like the EU, its original vision has grown to encompass human rights. Indeed it is evolving into a supranational organization.

ECOWAS’s court is the Community Court of Justice<<http://www.courtecowas.org/>>. It has both advisory and contentious jurisdiction. (<http://www.courtecowas.org/site2012/index.php?option=com_content&view=article&id=10&Itemid=10>) Supplementary Protocol A/SP.1/01/05 article 3(4) and 4(c)(d) amended the Protocol on the Community Court of Justice to read as follows:

Article 3(4)

4. The Court has jurisdiction to determine case of violation of human rights that occur in any Member State.

Article 4(3)

Access to the Court is open to the following:

d) Individuals on application for relief for violation of their human rights;
(<http://www.courtecowas.org/site2012/pdf_files/supplementary_protocol.pdf>)

The Court’s website says that it may examine “...violations of human rights that occur in any Member State” (<www.courtecowas.org/site2012/index.php?option=com_content&view=article&id=10&Itemid=10>) A case begins with the arrival of an application at the Court and service on the defendant. The defendant then has one month to reply, which may be followed by a reply from the applicant and a rejoinder from the defendant. A judge rapporteur then presents a preliminary report to the Court that recommends whether further steps should be taken. If the case is to continue, the Court allows the following measures of inquiry:

- (a) The personal appearance of the parties;
- (b) A request for information and production of documents;
- (c) Oral testimony;
- (d) The commissioning of an expert's report;
- (e) An inspection of the place or thing in question. (Rules of the Community Court of Justice of the Economic Community of West African States (ECOWAS); Title II Procedure; Chapter II) Preparatory inquiries and other preparatory measures; Art. 41(2))
(<http://www.courtecowas.org/site2012/pdf_files/rules_of_procedure.pdf>)

Oral arguments and testimony is taken. Indeed the Rules of the Community Court of Justice of the Economic Community of West African States (ECOWAS) Title II Procedure read very much

like a combination of the rules of procedure used in common and civil law procedure. Judgments are binding and contain the applicable costs to be paid by an unsuccessful defendant. The parties may come to a settlement anytime up to the end of the proceedings. All judgments are published.

To find the judgments of the Court click on this link: <<http://www.courtecowas.org/>>. Click on Welcome at the bottom of the page to go to the Court's website. The menu at the left will give links to the Basic Texts of the Court and Cases.

The Court has rendered a number of ground-breaking decisions on human rights including SERAP v. Nigeria and Universal Basic Education Commission, which held that the right to education is justiciable, and Kargou v. Nigeria, which ruled in cases involving modern forms of slavery.

For more information on ECOWAS see the following guide:

- Victor Essien, UPDATE: Regional Trade Agreements in Africa: A Historical and Bibliographic Account of ECOWAS and CEMAC <http://www.nyulawglobal.org/globalex/CEMAC_ECOWAS1.html>, Globalex (September 2014)

For information on other African human rights topics, see the following excellent Globalex guides:

- Ufuoma Lamikanra, UPDATE: Introduction to the Norms and Institutions of the African Union <www.nyulawglobal.org/globalex/African_Union1.html>, Globalex (August 2015)
- Innocent Maja, Towards the Human Rights Protection of Minority Languages in Africa <www.nyulawglobal.org/globalex/Minority_Languages_Africa.html>, Globalex (April 2008)
- Sibusiso Nhlabatsi, UPDATE: Forced Evictions and Disability Rights in Africa <www.nyulawglobal.org/globalex/Forced_Evictions_Disability_Rights_Africa.html>, Globalex (July/August 2016)
- Amy Burchfield, UPDATE: International Criminal Courts for the Former Yugoslavia, Rwanda and Sierra Leone: A Guide to Online and Print Resources <www.nyulawglobal.org/globalex/International_Criminal_Courts.html>, Globalex (July/August 2014)
- Amy Burchfield, UPDATE: The Crisis in Darfur: Researching the Legal Issues <www.nyulawglobal.org/globalex/Darfur_Crisis_Research.html>, Globalex (May/June 2014)
- Dunia P. Zongwe, UPDATE: An Introduction to the Law of the Southern African Development Community <www.nyulawglobal.org/globalex/Southern_African_Development_Community.html>, Globalex (July/August 2014)

4. The Americas

The American human rights system is an outgrowth of the Organization of American States and the conferences that led to its organization. It is important, therefore, to understand when the most important parts of the system were added.

- 1945 Inter-American Conference on Problems on War and Peace charged the Inter-American Juridical Committee with preparing a draft "Declaration of the International Rights and Duties of Man."
- 1948 Ninth International Conference of American States established the Organization of American States and proclaimed the American Declaration of the Rights and Duties of Man (May 2, 1948)
- 1959 Creation of the Inter-American Commission on Human Rights
- 1969 American Convention on Human Rights (entered into force 1978) and
- 1979 New Statute on the Inter-American Commission on Human Rights
- 1980 Statute of the Inter-American Court of Human Rights.

4.1 The American Declaration of the Rights and Duties of Man

<<https://www.cidh.oas.org/Basicos/English/Basic2.american%20Declaration.htm>>

This declaration was the first international statement of the rights of individuals and preceded the UN's Universal Declaration of Human Rights by several months. It was not in any way binding when it was first issued. But over time, it has been accepted as customary law. "The IACommHr and the IACTHR have expressed that Arts 106 and 145 OAS Charter....give the Declaration binding force on all OAS member states" (Claudio M. Grossman, *American Declaration of the Rights and Duties of Man (1948)* in Max Planck Encyclopedia of Public International Law (October 2010)).

4.2 The Inter-American Commission on Human Rights (IACommHR)

<<http://www.oas.org/en/iachr/>>

The Commission was established in 1959 and began making country visits in 1961 "to observe the human rights situation in situ." (<www.oas.org/en/iachr/mandate/Basics/intro.asp>). It became clear almost immediately that country visits and the reports on the visits were not effective. So in 1965 the Commission was authorized "to examine complaints or petitions regarding specific cases of human rights violations."

(<www.oas.org/en/iachr/mandate/Basics/intro.asp>). After examining the complaints or petitions, the Commission could issue recommendations for the offending State's improvement. This situation lasted until the American Convention on Human Rights entered into force 1978.

4.3 American Convention on Human Rights (ACHR)

<http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm> and

The Inter-American Court of Human Rights (IACTHR)

<<http://www.corteidh.or.cr/index.php/en>>

The American Convention on Human Rights restructured the entire system and amplified and expanded the rights themselves. It created the Inter-American Court of Human Rights and defined its relationship with the Commission.

But not all member states are treated equally. The 23 member states that acceded to the ACHR are subject to the rights in both the Declaration of the Rights and Duties of Man and the Convention; and the powers of both the Commission and the Court described in the ACHR. Under the Convention, the Commission "...has retained its status as an organ of the OAS, thereby maintaining its powers to promote and protect human rights in the territories of all OAS member states." (Cecilia Medina, *The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights: Reflections on a Joint Venture*, 12 Hum. Rts. Q. 439, 443 (1990)). Those member states that did not accede to the Convention are subject to the American Declaration of the Rights and Duties of Man and the Inter-American Commission of Human Rights.

The Convention lists the following functions and powers of the Commission in Art. 41:

- a. to develop an awareness of human rights among the peoples of America;
- b. to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;
- c. to prepare such studies or reports as it considers advisable in the performance of its duties;
- d. to request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights;
- e. to respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;
- f. to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention; and
- g. to submit an annual report to the General Assembly of the Organization of American States.

The most important of these is “f. to take action on petitions...pursuant to Articles 44 through 51 of this Convention.” All petitions must be submitted to the Commission first. OAS member states that have not acceded to the Convention are subject to the rights in the Convention or to the jurisdiction of the Court. The Commission has the power “...to examine communications submitted to it and any other available information, to address the government of any member state not a Party to the Convention for information deemed pertinent by this Commission, and to make recommendations to it,... in order to bring about more effective observance of fundamental human rights.” (Art. 20(b) (<http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm>)). Those recommendations are not binding.

Individuals, groups, or NGOs that are recognized in at least one OAS state may bring complaints to the Commission against State party for alleged violations of the Convention and of articles 8(1) and 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" (<<http://www.oas.org/juridico/english/treaties/a-52.html>>). The petition is first examined for admissibility. If the case is admissible, the Commission may request information from the state and send transcripts of the pertinent portions of the petition to it. (ACHR Art. 48(1)(a) (<http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm>)). The Commission will then examine the case to verify the facts and may investigate further. (ACHR Art. 48(d). It may request any additional information and, if the parties so request, hear written and oral testimony as part of their examination of the merits. (ACHR Art. 48(e). If a friendly settlement is reached, the Commission draws up a report, which is sent to the parties and to the OAS Secretary General for publication. (ACHR Art. 49. If there is no settlement, the Commission also draws up a report and sends it to the parties, but it is not to be published. The Commission may then submit the case to the Court as long as the state has declared its acceptance of the binding jurisdiction of the Court. (ACHR Art. 62. Individuals may choose to be represented by counsel.

In addition State parties may bring complaints against other State parties to the Commission for alleged violations of the Convention as long as they have filed a declaration accepting the jurisdiction of the Commission in such cases. Such declarations may be unconditional, on

condition of reciprocity, for a specified period, or for specific cases. (ACHR Art. 62. State parties to the Convention may submit cases to the Court if they have declared their acceptance of the Court's jurisdiction as binding. These declarations are made on the same conditions as those concerning the jurisdiction of State complaints.

The Court's jurisdiction is binding. "If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated." (ACHR Art. 63) It may also require the state to remedy the violation and pay "fair" compensation to the aggrieved party.

The Court then monitors states' implementation of the Court's ruling. If a state's action is inadequate, the Court may then report the situation to the General Assembly of the OAS. "It shall specify, in particular, the cases in which a state has not complied with its judgments, with any pertinent recommendations." (ACHR Art. 65)

The procedures for the examination of petitions may produce the following types of documents:

- The petitions
- Request for information from the state
- Written statements requested by the Commission as part of their examination of the merits
- Report on a friendly settlement containing a summary of the facts and description of the solution
- Report on failure of friendly settlement (may not be published)
- Separate opinion on dissenting member of the Commission
- Written and oral statements made by the parties attached to the report on failure of friendly settlement
- Proposals and recommendations of the Commission in its transmittal of the report
- The opinion and conclusions of the Commission if the case has not been settled by the parties or submitted to the Court and its jurisdiction accepted within 3 months of the period the Commission gave for the state to take the measures incumbent upon it.

The Commission also has responsibilities to promote human rights, to submit an annual report to the OAS General Assembly, and

b. to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;

c. to prepare such studies or reports as it considers advisable in the performance of its duties; (ACHR Art. 41)

The Commission has appointed rapporteurs and working groups that may be assigned specific tasks or mandates concerning the preparation of its periods of sessions or the execution of special programs, studies and projects. "The country rapporteurs will also be responsible for carrying out the follow-up assigned by the Commission and will report to the plenary of the Commission at least once a year on the activities undertaken." (Rules of Procedure of the Inter-American Commission on Human

Rights <<http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>> Art. 15(2)). Rapporteurs present their work plans to the Commission for approval and report in writing to the Commission, at least annually, on the work's progress. (Rules of Procedure of the Inter-American Commission on Human Rights Art. 15(6)) There is a rapporteur for every OAS member state. The thematic rapporteurs are the following:

- Rapporteurship on the Rights of Indigenous Peoples
- Rapporteurship on the Rights of Women
- Rapporteurship on the Rights of Migrants
- Special Rapporteurship for Freedom of Expression
- Rapporteurship on the Rights of the Child
- Rapporteurship on Human Rights Defenders
- Rapporteurship on the Rights of Persons Deprived of Liberty
- Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination
- Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons (LGBTI)
- Unit on Economic, Social and Cultural Rights

The Special Rapporteurship for Freedom of Expression “...was created by the Commission as a permanent, independent office that acts within the framework and with the support of the IACHR.” (<www.oas.org/en/iachr/expression/showarticle.asp?artID=52&lID=2>) The head of the Special Rapporteurship is the only rapporteur who is not a member of the Commission.

The following documents are produced by the work of the rapporteurs and any functions other than those of the rapporteurs and actions taken on petitions:

- Descriptions of tasks or mandates assigned to rapporteurs or working groups including the execution of special programs, studies and projects;
- Recommendations made to the member states for the adoption of progressive measures in favor of human rights;
- Studies or reports considered advisable in the performance of the Commission’s duties;
- Annual reports of the rapporteurs and working groups;
- Requests for information on the human rights measures that the member states have adopted;
- Responses to inquiries of member states on human rights matters and advisory services they request;
- Annual reports for the OAS General Assembly.

For a more thorough and scholarly treatment of the Inter-American Human Rights system, see the following:

- Francisco A. Avalos, UPDATE: The Inter-American System of Human Rights: A Research Guide (<www.nyulawglobal.org/globalex/Inter_American_Human_Rights1.html>), Globalex (July/August 2016)

5. Europe

5.1.1. The Council of Europe (COE) (<<http://www.coe.int/en/web/portal/home>>)

The Council of Europe is the primary regional human rights organization of Europe. It was established on May 5, 1949. The founding document of the Council is its Statute. The organization is governed primarily by the Committee of Ministers, which consists of the foreign

ministers of the contracting states or their designated substitutes. Article 14 gives each contracting state one representative, and each representative has one vote.

5.1.2 The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

<<http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487> pointer>

The first major treaty the Council produced after the Statute and the General Agreement on Privileges and Immunities of the Council of Europe was the European Convention for the Protection of Human Rights and Fundamental Freedoms

(ECHR)<http://www.echr.coe.int/Documents/Convention_ENG.pdf>. The convention was signed on November 4, 1950, and came into force on September 3, 1953. It was the first real human rights treaty. The U.N.'s Universal Declaration of Human Rights and the The American Declaration of the Rights and Duties of Man were proclaimed during the Convention's drafting process, but they were proclamations, not a treaties. They bound no one. The ECHR had a preamble, laid out ten fundamental rights, and established two enforcement bodies—a European Commission of Human Rights and a European Court of Human Rights.

The original convention can be found in the United Nations Treaty Series (<<https://treaties.un.org/>>) in both of the Council of Europe's official languages, English and French. The latest version incorporates Protocols 11 and 14, both of which made substantial changes to the Convention.

(<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>). The web site of the COE's Treaty Office includes a list of all the organization's treaties.

(<<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>>). Entries in the list link to the text of the treaty in both Word and HTML format; a summary of the treaty; a chart of signatures and ratifications; the list of declarations, reservations, and other communications; and an explanatory report if there is one. The explanatory reports are wonderful aids to understanding the treaties. The Treaty Office explains their authority as follows:

The [reports] are prepared by the committee of experts instructed to draft the convention in question and are published when the convention is adopted by the Committee of Ministers. These explanatory reports might facilitate the implementation of the provisions of the conventions, although they do not constitute instruments which provide an authoritative interpretation of them. (<Council of Eur., About Conventions in the Council of Europe Treaty Series, (<<http://conventions.coe>>).

The ECHR's preamble states clearly that the purpose of the ECHR was “to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration”

(<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>)

While the Universal Declaration was intended to be universal and a declaration of ideals, the ECHR was intended to be a regional, binding agreement. The ECHR bound the contracting members to live by the rights enumerated in it. The Preamble's reference to “European countries which . . . have a common heritage of political traditions, ideals, freedom and the rule of law” indicates that one of the ECHR's intentions is to delineate and embody the political and ethical culture of Western Europe.

(<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>)

The process through which complaints travel from application to judgment begins with the assignment of a judge rapporteur, who presents each case to the Court. The rapporteur makes a recommendation on admissibility to a committee of three judges, who in turn make the initial decision on admissibility. Only cases that are unanimously considered admissible are referred to a chamber. Chambers have seven judges and review individual cases for admissibility again. They may rule only on admissibility or on both admissibility and the merits of a case. (<<http://conventions.coe.int/Treaty/en/Reports/Html/155.htm>>) If they rule only on admissibility, the case can be referred to a grand chamber, which consists of seventeen judges. In rare cases, at the request of one party, a grand chamber may examine a case on which a chamber has already ruled on the merits. These cases must "...raise serious questions concerning the interpretation or application of the Convention or its protocols, or . . . an issue of general importance." (<<http://conventions.coe.int/Treaty/en/Reports/Html/155.htm>>) The purpose is to ensure the quality and consistency of the Court's case-law by allowing for a re-examination of the most important cases if the above-mentioned conditions are met. Decisions on admissibility must be taken separately from those on the merits and must be reasoned. (<<http://conventions.coe.int/Treaty/en/Reports/Html/155.htm>>)

The Council changed the process when it adopted Protocol 14, which came into force on June 1, 2010. Under Protocol 14 initial admissibility decisions in individual cases are made by a single judge and are final.

(<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>) If the case is admissible, it is forwarded to a committee of three judges or a chamber of seven judges. Committees may decide on admissibility. If the decision on admissibility is positive, the committee may render a decision on both admissibility and the merits, but the latter only in cases that concern subjects that are "already the subject of well-established case-law of the Court." (<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>) Committee decisions must be unanimous to be final.

Applications that are admissible, but not already the subject of well-established case-law of the Court, go to a chamber. Chambers' decisions on individual applications will cover both admissibility and merits. Chambers make the initial decision on the admissibility of interstate cases and may make decisions in those cases on both admissibility and merits. But the two types of decision in interstate cases must be made separately.

The court may award "just satisfaction" to the parties "if the internal law of the High Contracting Party concerned allows only partial reparation to be made."

(<<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=01/08/2010&CL=ENG>>) In other words, ratification of the Convention constitutes agreement to put the court's judgments into effect. "Just satisfaction" may be merely the judgment of the court; a finding against a government may be enough to vindicate the applicant. On the other hand, the court may also award monetary damages. It did so for the first time in 1974 in *Neumeister v. Austria*. Since then it has increased this practice to the point that one could now say that it is common. Monetary awards are made for both pecuniary and nonpecuniary loss and may include the expenses of bringing the application and back interest when a government delays payment.

Article 46(2) of the Convention gives the Committee of Ministers the responsibility for enforcing the court's judgments. If the government fulfills the requirements of the court's judgments or the parties come to a friendly settlement, the Committee adopts a resolution accepting the government's actions or the friendly settlement and stating that no further action is necessary. Otherwise, the Committee asks the government to submit information on the progress toward

fulfillment and puts the issue on the agenda of its next human rights meeting. Although the documents submitted to the Committee are public, its deliberations are confidential. It may take any of the following actions: (1) attempt to bring the parties to a friendly settlement, (2) adopt an interim resolution of concern, or (3) threaten to take action under article 8 of the Statute, which allows the Committee of Ministers to end the government's membership in the Council. No contracting party has yet been excluded from the Council.

In yet another change to try to improve its efficiency, the ECtHR has begun to use what is called the pilot judgment procedure. The court explains it as follows:

The central idea behind the pilot judgment procedure is that where there are a large number of applications concerning the same problem, applicants will obtain redress more speedily if an effective remedy is established at national level than if their cases are processed on an individual basis in Strasbourg.

(<[http://www.echr.coe.int/NR/rdonlyres/DF4E8456-77B3-4E67-8944-908143A7E2C/o/Information Note on the PJP for Website.pdf](http://www.echr.coe.int/NR/rdonlyres/DF4E8456-77B3-4E67-8944-908143A7E2C/o/Information_Note_on_the_PJP_for_Website.pdf)>)

Pilot judgments are used in the case of repetitive applications that share a common, root cause. The court selects a particular case that appears to be reasonably representative of the entire group. It may adjourn the case during the adjudicatory process to give the contracting state time to remedy the situation. Although the duration of the adjournment may be prescribed at its beginning, the court may restart the case at any time "if this is what the interests of justice require" The ECtHR used the pilot judgment procedure for the first time in 2004.

For more information about the Council of Europe see the following:

Sophie Lobey, UPDATE: The Council of Europe
<http://www.nyulawglobal.org/globalex/Council_of_Europe1.html>, Globalex (July/August 2016)

James W. Hart, Update: The European Human Rights System
<http://www.nyulawglobal.org/globalex/European_Human_Rights_System1.html>, Globalex (June 2015)

5.1.2. European Union (EU) (<https://europa.eu/european-union/index_en>)

When the European Coal and Steel Community (ECSC) was founded in 1951 by six nations (Belgium, France, Germany, Italy, Luxembourg and the Netherlands), its goals were restricted to the economic sphere. From this initial economic agreement on two mutual industries, the European Union has grown to 28 nations. It was to have its own power to put into effect the policies on which the members agreed. In other words, it was to have the power to act under the direction of, but independently of, the individual members.

Three bodies determine the decision-making policies of the European Union policies: the European Commission, the European Parliament and the Council of the European Union. The European Commission proposes new laws and the Parliament and Council pass the new laws. Each new law fits into one of the existing European Union treaty documents.

Eventually issues related to human rights began to appear in cases that came before the European Court of Justice (ECJ) <https://curia.europa.eu/jcms/jcms/j_6/en/>, which is the judicial arm of the EU. It was found that the fundamental freedoms of human rights are inextricably bound to the freedom to act as a player in a free market system. Because there was

nothing explicit in the ECSC treaty or its progeny about human rights, the ECJ began to take inspiration from sources outside the EU treaties, principally the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It did not cite the ECHR as authority—it merely derived general principles of law from it. In other words, it took the ECHR as a source of customary law. The Treaty on European Union of 1992 recognized the ECHR as general principles of law, and the EU approved its own Charter of Fundamental Rights <http://www.europarl.europa.eu/charter/pdf/text_en.pdf> in 2000. The Charter did not create new rights, but enshrined the rights that the ECJ had found to be “general principles of law.”

The ECJ has a lower (the General Court) and higher court (the Court of Justice). The homepage presents users with the ability to search by court, case number, party names, and dates. The results of a search are a case’s judgment and opinion. In addition to the options provided by the general search, the advanced search has the following options:

Case status
Documents
ECLI
Text
Subject-matter
Procedure and result
References to case-law or legislation
Systematic classification scheme
Formation of the Court
Judge-Rapporteur
Advocate General
Source of a question referred for a preliminary ruling
Authentic language

The Charter of Fundamental Rights of the European Union can be found at EUR-Lex (<<http://eur-lex.europa.eu/homepage.html?locale=en>>), the website to EU law. Click on the EU Law & Related Documents tab and then Treaties. The Charter is under Treaties Currently in Force.

For more information about the European Union see the following:

- Duncan E. Alford and Alison Drake, UPDATE: European Union Legal Materials: An Infrequent User’s Guide <http://www.nyulawglobal.org/globalex/European_Union1.html>, Globalex (November/December 2016)
- Patrick Overy, UPDATE: European Union – A Guide to Tracing Working Documents <http://www.nyulawglobal.org/globalex/European_Union_Travaux_Preparatoires1.html>, Globalex (July/August 2016)

6. International Human Rights Journals

- African Human Rights Law Journal (South Africa)
- African Human Rights Law Reports
- African Journal of Legal Studies (2004-) (Netherlands)
- Anuario de Derechos Humanos (Universidad de Chile, Facultad de Derecho Year 2005 - ...)

- Asia-Pacific Journal on Human Rights and the Law (Netherlands)
- Australian Journal of Human Rights (Australia)
- Boston College Journal of Law and Social Justice
- Buffalo Human Rights Law Review
- Business and Human Rights Journal (UK)
- Cambridge Journal of Human Rights
- Canadian Journal of Human Rights (2010-) (Canada)
- Columbia Human Rights Law Review
- Essex Human Rights Review
- European Human Rights Law Review (United Kingdom)
- European Human Rights Reports
- European Yearbook of Minority Issues (Netherlands)
- Genocide Studies and Prevention (2006-) (Toronto)
- Genocide Studies International (2006-) (Toronto)
- Hague Journal on the Rule of Law (2009-) (Netherlands)
- Harvard Civil Rights-Civil Liberties Law Review
- Harvard Human Rights Journal
- Health and Human Rights: An International Journal
- Holocaust and Genocide Studies
- Human Rights
- Human Rights & Globalization Law Review (2008-)
- Human Rights & International Legal Discourse (2007-) (Belgium)
- Human Rights Brief
- Human Rights Defender
- Human Rights Law Review
- Human Rights Law in Africa
- Human Rights Law Journal (Germany)
- Human Rights Law Review (United Kingdom)
- Human Rights Policy Journal
- Human Rights Quarterly
- Human Rights Review (Netherlands)
- Humanity: An International Journal of Human Rights, Humanitarianism, and Development
- ILSA Journal of International and Comparative Law
- Indian Journal of Human Rights and the Law (2004-) (India)
- Indiana Journal of Global Legal Studies
- Inter-American and European human rights journal (2008-) (Belgium)
- Intercultural Human Rights Law Review (2006-)
- Interdisciplinary Journal of Human Rights Law
- International Journal of Children s Rights
- International Journal of Human Rights in Healthcare
- The International Journal of Human Rights (United Kingdom)
- International Journal of Transitional Justice (2007-) (United Kingdom)
- International Review of the Red Cross (Switzerland)
- Israel Yearbook on Human Rights (Israel)
- Journal des Droits de l'Homme (JDDH)
- Journal of Civil and Human Rights (Illinois)
- Journal of Human Rights (United Kingdom)
- Journal of Human Rights and the Environment

- Journal of Human Rights Practice (Oxford)
- Journal of International Human Rights
- Journal of International Humanitarian Legal Studies (2010-) (Netherlands)
- Journal of Law and Social Deviance
- Journal of Social Welfare and Human Rights (JSWHR)
- Judges Newsletter on International Child Protection
- Justice (Israel)
- Law & Ethics of Human Rights (2007-) (Israel)
- Mediterranean Journal of Human Rights
- Muslim World Journal of Human Rights (2004-)[online]
- Netherlands Quarterly of Human Rights (Netherlands)
- Nordic Journal of Human Rights
- Northwestern University Journal of International Human Rights (2003-)
- Religion and Human Rights (2006-) (Netherlands)
- South African Journal on Human Rights (South Africa)
- SUR - International Journal on Human Rights (2004-) (Brazil)
- University of Miami Interamerican Law Review
- Visegrad Journal on Human Rights
- Yale Human Rights & Development Law Journal
- Yearbook of International Humanitarian Law (Netherlands)

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