



Brief Overview of the International and Regional Efforts On the Adoption of Human Rights Principles

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Research topic

The Research introduces the human rights international efforts, along with their history and mechanisms. It outlines the relevant regional and international conventions and the international monitoring mechanisms determining their extent of effectiveness. Besides, it highlights the impact of the accession of states to those conventions on different levels, such as the adoption of certain measures in order to ensure the serious and proactive participation of the international community in its pursuit to establish rights and freedoms.

Human rights and freedoms have been a subject of attention even before they had been increasingly presented at the international level and within the organizations of the United Nations which have been definitely attributed to their promotion universally in the late half of the twentieth century. However, the issues of human rights and fundamental freedoms in various fields have been the focus of many local and regional efforts throughout history. Since early history, rights and freedoms have been associated with divine religions which focus on some rights and freedoms granted by God and motivated by human feelings. Rules and principles of these rights and freedoms have been crystallized in various forms via holy prophets and messengers who propagated heavenly doctrines and beliefs stimulating individuals to gain the Creator Almighty blessings and reward and purification of sins .

Ancient human civilizations have, undoubtedly, contributed to the articulation and establishment of many values, virtues and principles that



shaped human relations at that time, especially the Pharaonic civilization, which played a great role thousands years ago before the emergence of the Gregorian history. Fourteen centuries ago, the Islamic Sharia has developed an integrated system organizing the relationship of the human being with his Creator or with other human beings in all aspects of life. It has put forward the provisions and rules on the rights and freedoms of humans, including the rules of warfare and ethics, provided in several documents and sources, topped by the Holy Quran and many other documents issued at the time of the Prophet Mohamed and the Caliphs afterwards.

Efforts of philosophers and thinkers, in addition to some of the religious doctrines and beliefs along with a number of social and political systems, throughout the history of humanity, have contributed greatly to the promotion of principles of human rights and freedoms. Some of these principles have been included to the international legal systems, among them the greatest document of "The Magna Carta" Charter, agreed to by King John of England in June 1215, and subsequently, the Charter inspired other countries to issue similar documents, such as the American Declaration of Human Rights in 1776, the French Declaration of Rights of Man and Citizen, endorsed by the National Council of France in August 1789 and the American Declaration on the Rights and Duties of Man issued by the Organization of American States in 1948.

Although these luminous efforts and endeavors have contributed to the compilation and articulation of human rights and freedoms at local levels represented in the promulgation of national declarations expressing each State peculiar circumstances and experiences either in the past or the contemporary age, they have been historically articulated and documented and became a legal benchmark taking precedence over domestic laws, and even constitutions. These declarations have, undoubtedly, paved the way before the articulation of international efforts in this regard.

The international efforts of either the United Nations which have began since 1945 or even by other regional powers have resulted in the universal recognition of the principles of human rights and fundamental freedoms, safeguarding their integrity against waiver or fragmentation. Achievements of these efforts have become an international public order that obliges the Member States of the international community to pursuit their endorsement, implementation, promotion, development and protection from all forms of violation or derogation or aggression, in addition to the provision



of international monitoring mechanisms to follow-up the implementation of these obligations.

International and regional efforts to establish universal legitimacy for the principles of human rights and freedoms have been articulated in a number of international charters and conventions, starting from the United Nations Universal Declaration of Human Rights issued in December 1948, the International Convention against Discrimination in 1965 and the two International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights in 1966. In addition to the Convention on the Elimination of all forms of Discrimination against Women in 1979, the Convention against Torture in 1984, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990, the Convention against Enforced Disappearances and the Convention on the Rights of Persons with Disabilities in 2006. Reviewing the United Nations statistics shows greater number of State Members endorsed conventions on women and children, than those of other recent conventions, such as the one of the rights of worker migrants.

International conventions have provided for the establishment of mechanisms for observation, monitoring and accountability. These mechanisms are usually headed by international experts elected to follow-up and monitor the extent of commitment of State parties to their obligations stemmed from being part of these conventions, among them the submission of periodic reports to be discussed publicly by the experts and to set up recommendations. These mechanisms have given the right to individuals to submit complaints against States Parties that are willing to receive and have the authority to review the State Parties periodic reports and to provide comments and recommendations relevant to their interpretation of certain articles of the conventions.

In parallel, the international powers in Europe and the United States of America, Africa and the Arab region have adopted human rights instruments at the level of their regions, in which they listed the rights and freedoms contained in the Universal Declaration for Human Rights, and included other complementary provisions so as to keep up with the developments of the new generations of human rights as well as to demonstrate the vision of each region. These charters provided for the formation of regional commissions parallel to the UN ones, along with the establishment of regional human rights courts to ensure the extent of compliance of the na-



tional legislations with the provisions of the charters. These courts are authorized to bridge the gaps in national legislations and compensate the victims of human rights. The regional international efforts have been attributed to the establishment of European, American, African and Arab courts on human rights (have not put into force yet) to review violations of human rights in the States Parties territories and to issue obligated verdicts. Besides, the establishment of these courts is considered a recognition of the universality of these rights and freedoms. It also confirms the acknowledgement of the States parties of the need to open the door to international judicial mechanisms to address those human rights issues. This has, undoubtedly, contributed to strengthen and promote the regional powers and consolidate their efforts. Furthermore, it works to establish judicial precedents relevant to the regional vision on the practical application of rights and freedoms that vary according to the different national identities, and paves the way before the consensus on the principle of international specialized courts.

Giving the progress of the global momentum towards the promotion of human rights and freedoms, the United Nations has included international mechanisms for the protection of human rights to its structures. One of these is the office of the High Commissioner for Human Rights founded in 1993, in accordance with the resolution of the Second World Conference on Human Rights held in Vienna in 1993 that has power over all Member States of the United Nations, regardless of their endorsement of the international human rights instruments. This Office has the authority to receiving complaints from all natural and legal persons, addressing any of the States of the United Nations to respond to these complaints and to submit annual reports and to establish networks of special rapporteurs relevant to specific states or to one of the key human rights issues. In this regard, the continued efforts of the United Nations have succeeded in overcoming the deficiencies of the previously mentioned international efforts that were sometimes politicized and based on double standards, lacking clear-cut objective criteria. Developing these efforts, the General Assembly of the United Nations has adopted the Universal Periodic Review mechanism by resolution 60/251 in March 2006 so as to activate its scope and efforts to promote full respect for human rights. The preamble of the resolution emphasized the universality, integrity, coherence and interdependence of all rights and freedoms as well as the respect for national and regional peculi-



arities as well as the historical, cultural and religious backgrounds. It also confirms that States are responsible for the respect for human rights and fundamental freedoms for everyone without discrimination.

Within the framework of the United Nations Organizations efforts in the field of human rights, the UN has adopted several resolutions on the implementation of international human rights laws, especially in the field of criminal justice. These resolutions and codes are complementary to the international human rights conventions. Besides, they provide further and well-defined details to the various obligations set forth by the conventions that shall be abide by the State Parties on the enactment of domestic legislations. In addition, these resolutions are considered guidance for the States on the practical application of the provisions of relevant conventions. They have played an important role in fostering the international community to reach a state of consensus on the articulation of relevant international conventions and give them an opportunity to amend their legal systems to meet with their obligations stated in the conventions.

All of the aforementioned facts demonstrate the existence of broad umbrella of international human rights and freedoms that incorporate diverse international documents at the regional and international levels, and resulted in the development of various mechanisms for monitoring, observation and accountability. On the other hand, the accession of great number of countries to those international and regional conventions is considered a clear indication on the international community willing to establish human rights values and principles to be in line with the Universal Declaration of Human Rights and to seek compliance with those conventions for being the foundation upon which the relations of countries continue to develop.

Due to the presence of the international mechanisms for follow-up and accountability, whether within the framework of the United Nations or even under regional and international conventions, States are obligated to found permanent national government mechanisms to meet with the deterrents of these obligations, as follows:

First: To develop national human rights strategy in the light of the fundamental principles and provisions stipulated by the Constitution and the domestic legislations, taking into account the peculiarity of the national context of each State.

Second: To respond to the international mechanisms and to meet their



requirements of the submission of periodic national reports and to respond to queries or information they request and to complaints they receive.

Third: To follow-up international efforts in the field of human rights and freedoms, including up-to-date resolutions or conventions, and to contribute to its articulation to facilitate and ease the task of accession to these conventions.