

# CONCEPT OF HUMAN RIGHTS



## **LEARNING OUTCOMES:**

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By the end of the course, the students will be able to-

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Display sound understanding of the fundamental human rights and issues of human rights.

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To understand the provisions of International Human Rights Law and

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Promote the cognitive critical thinking skills and openness to constructive criticism.

# RATIFICATION/ ACCESSION/ SUCCESSION

- FORMAL EXPRESSION OF CONSENT TO BE BOUND BY TREATY (VIENNA CONVENTION 1969)

- TWO PROCEDURAL ACTS      DOMESTIC LEVEL

INTERNATIONAL LEVEL

- ARTICLE 14. THE CONSENT OF A STATE TO BE BOUND BY A TREATY IS EXPRESSED BY ACCEPTANCE OR APPROVAL UNDER CONDITIONS SIMILAR TO THOSE WHICH APPLY TO RATIFICATION.

## **ACCESSION**

- - *ARTICLE 15*. THE CONSENT OF A STATE TO BE BOUND BY A TREATY IS EXPRESSED BY ACCESSION

## **SUCCESSION**

- THEORY AND PRACTICE IN INTERNATIONAL RELATIONS REGARDING THE RECOGNITION AND ACCEPTANCE OF A NEWLY CREATED SOVEREIGN STATE BY OTHER STATES

# RESPONSIBILITIES OF STATES ON HUMAN RIGHTS

- CONVENTIONAL MECHANISM  
(TREATY MONITORING BODIES)

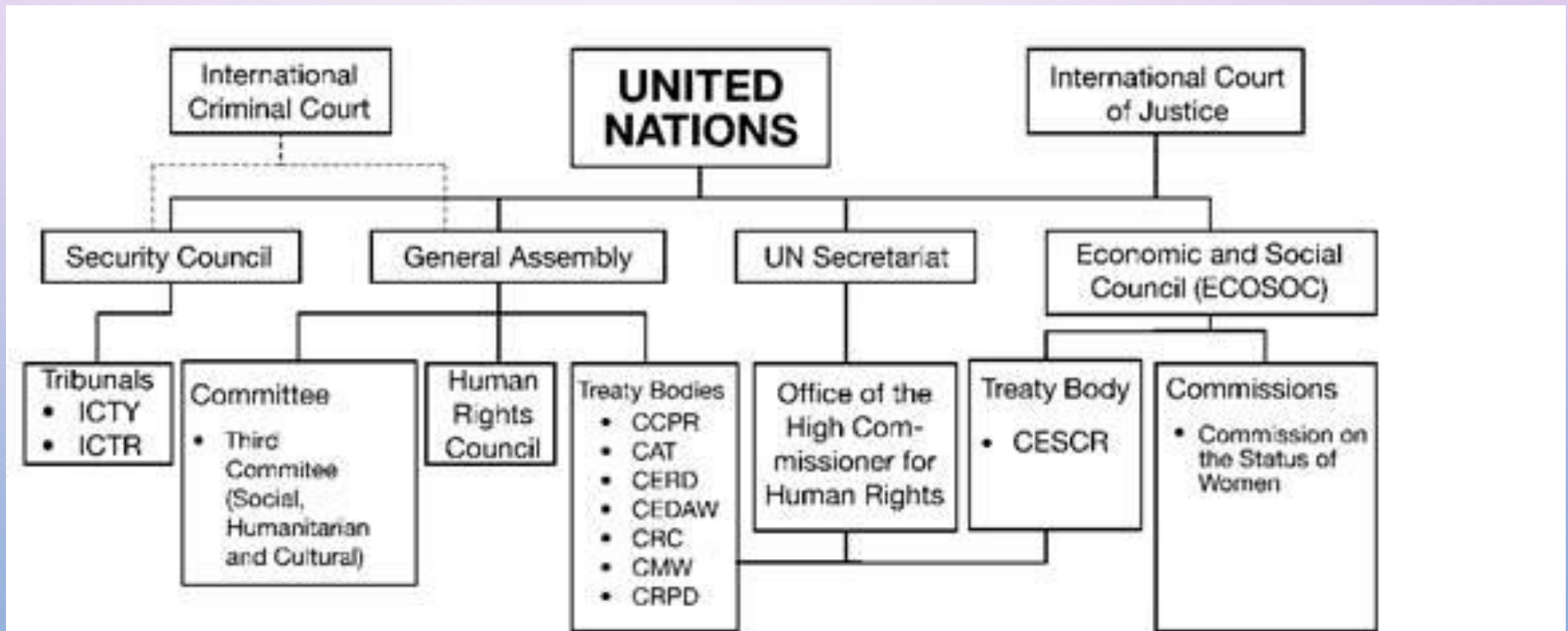
1. COMMUNICATION PROCEDURE
2. REPORTING PROCEDURE
3. ENQUIRY PROCEDURE

- **EXTRA-CONVENTIONAL  
MECHANISM**

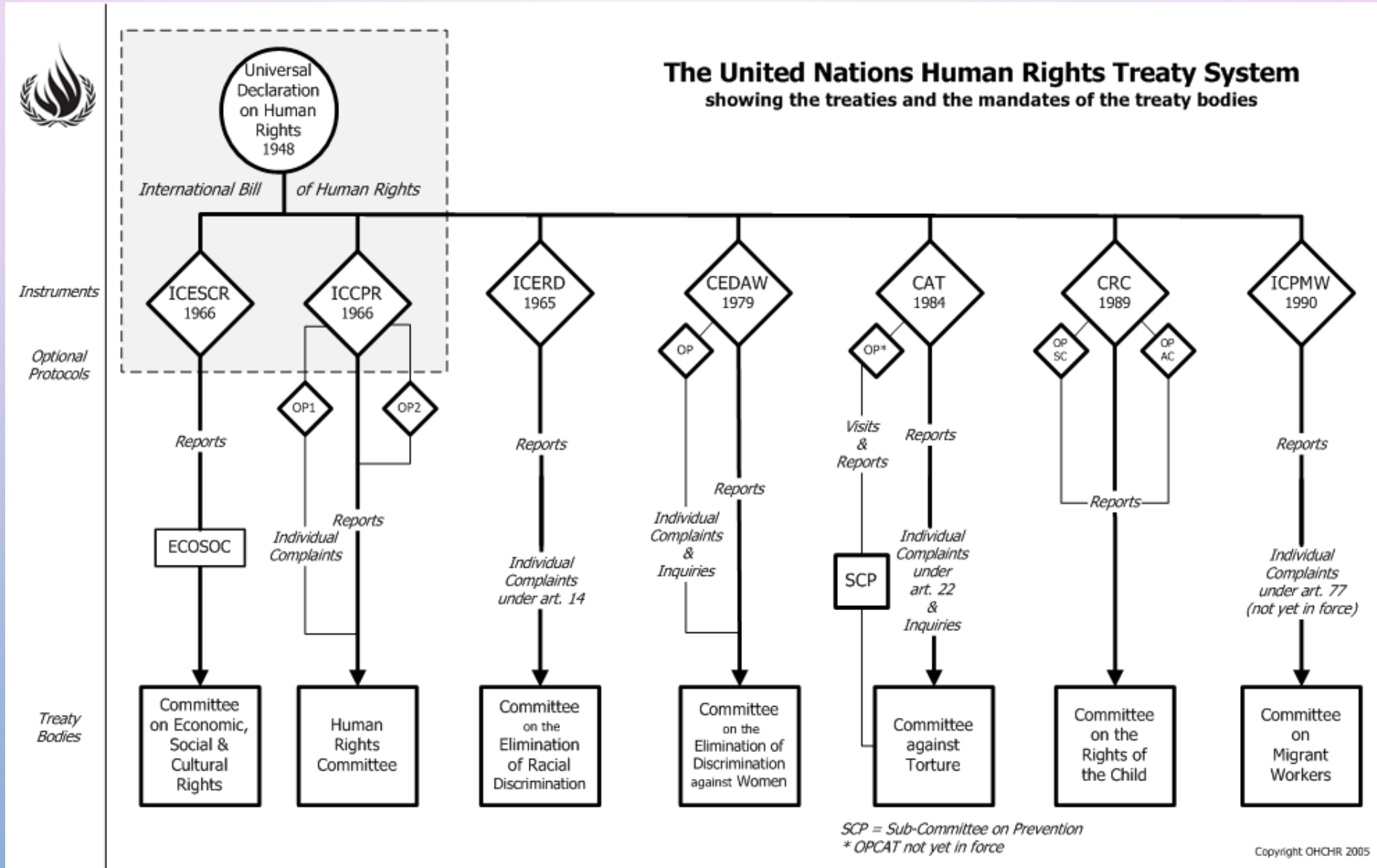
(SPECIAL PROCEDURES)

- - SPECIAL REPORTEURS, SPECIAL REPRESENTATIVES, SPECIAL ENVOYS, INDEPENDENT EXPERTS, WORKING GROUP
- COMPLAINTS PROCEDURE

## ARCHITECTURE OF UN HUMAN RIGHTS SYSTEM

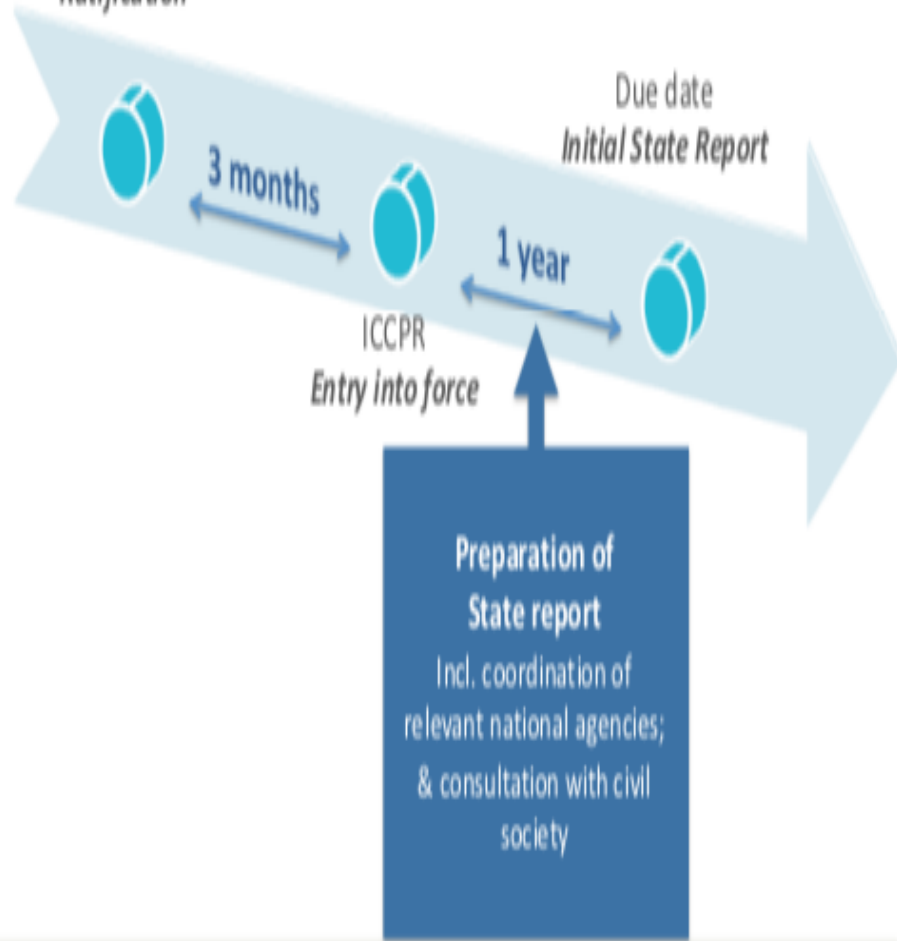


# ARCHITECTURE OF UN HUMAN RIGHTS INSTRUMENTS



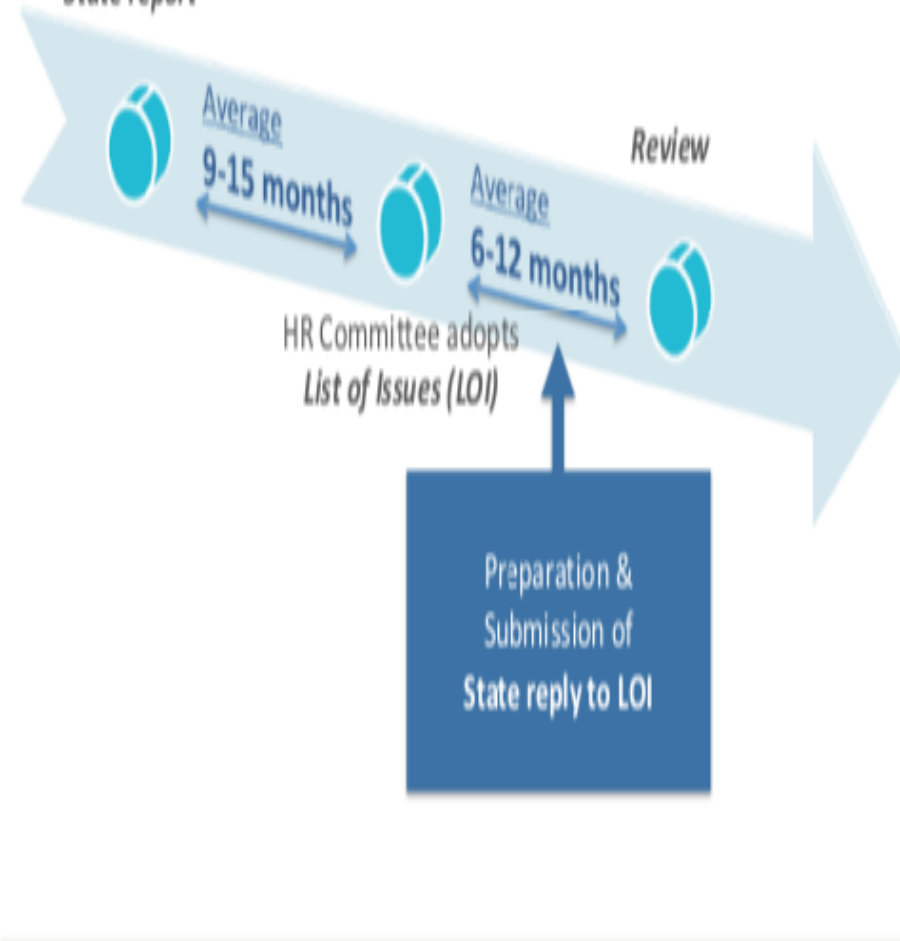
## Timeframe State's reporting

ICCPR  
*Ratification*



## Timeframe State's reporting

Submission  
*State report*

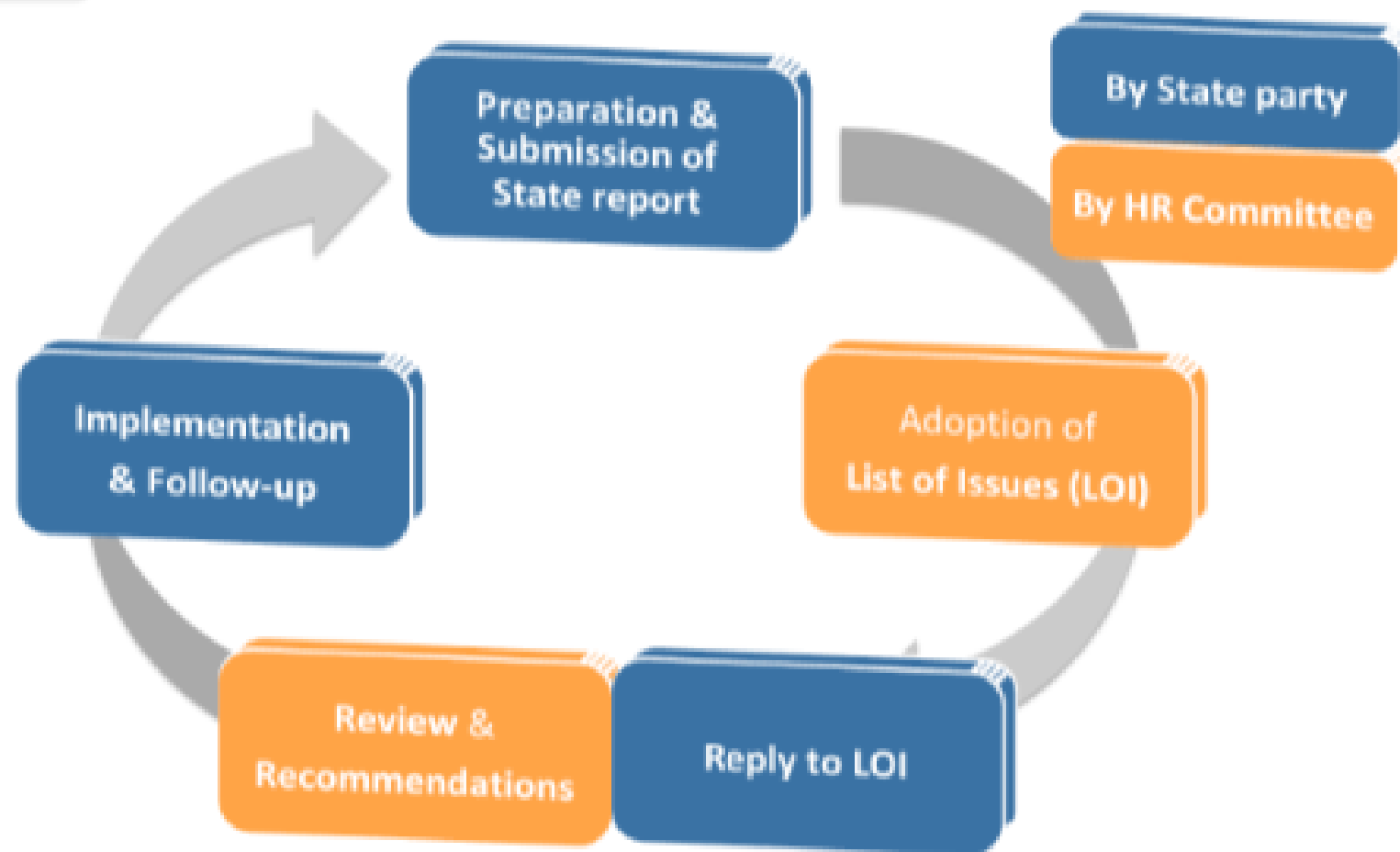


## Timeframe State's reporting

Review  
*Recommendations*



## State reporting cycle





## Simplified Reporting Procedure

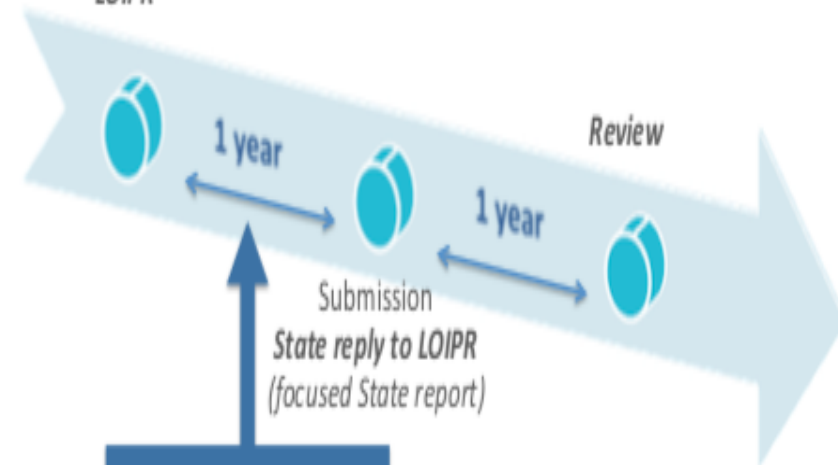
Alternative option for State Parties

- Not applicable for initial cycle
- HR Committee adopts LOI Prior to Reporting (LOIPR)
  - \*in accordance with due date for next State periodic report
- State reply to LOIPR regarded as State report
- More regular cycle and simple reporting



## Timeframe Simplified procedure

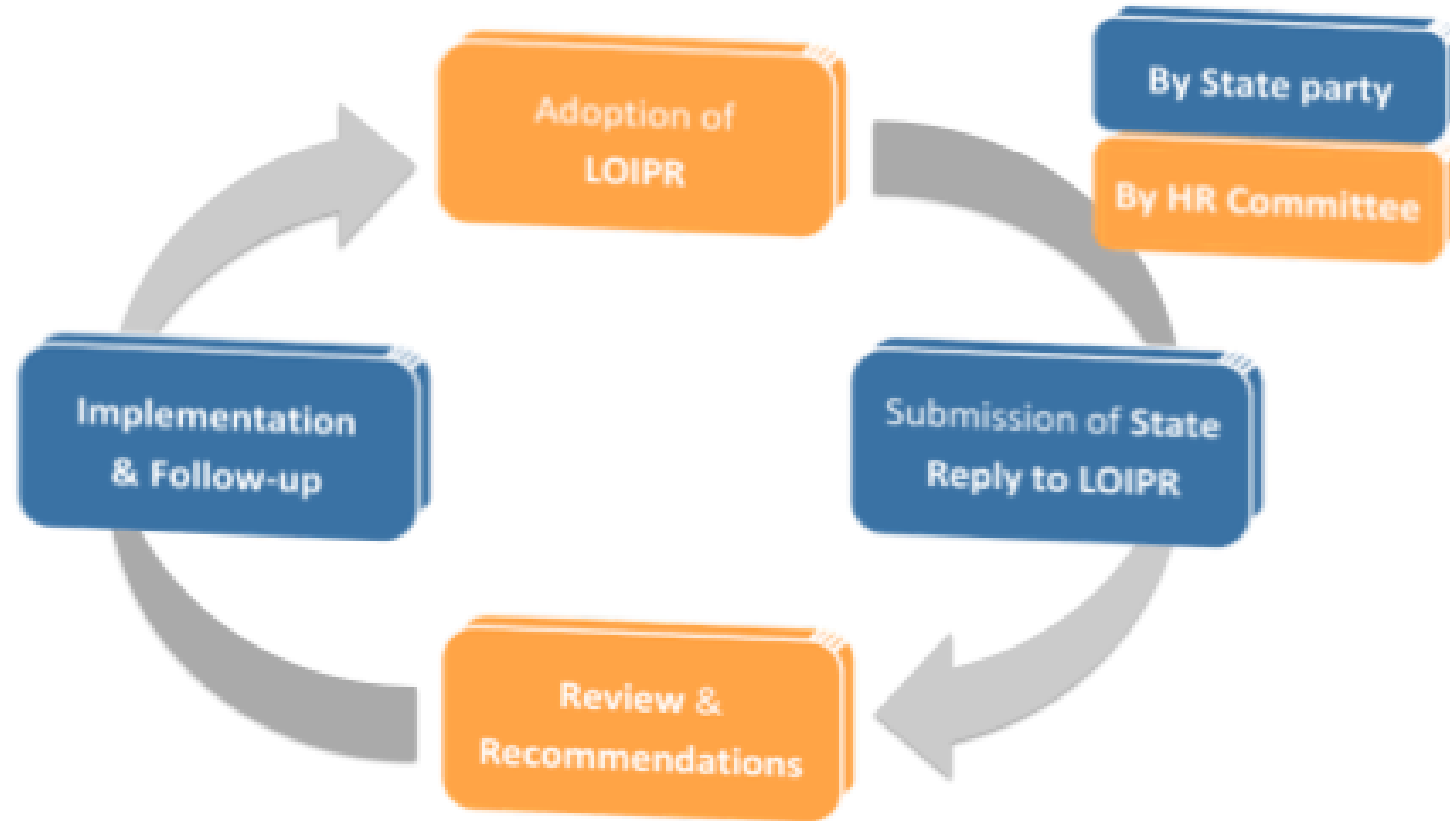
Adoption  
LOIPR



Submission  
State reply to LOIPR  
(focused State report)

Preparation of  
State reply to LOIPR  
incl. coordination of  
relevant national agencies  
& consultation with civil  
society

## Simplified reporting cycle



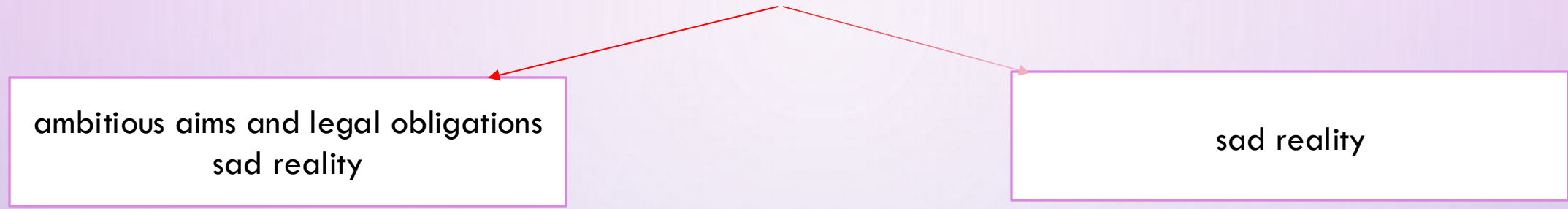
# RESPECT, PROTECT AND FULFIL HUMAN RIGHTS

**legally binding** commitments to respect the human rights of the population under their sovereign jurisdiction and effectively guarantee these against violations by private entities through positive legislative, administrative, judicial and political measures.



comprehensive set of norms guarantees all people a broad range of civil, political, economic, social, cultural and collective rights.

# ENORMOUS GAP



- THE GREAT CHALLENGE OF THE 21ST CENTURY - **NARROWING THE GAP BETWEEN THEORY AND PRACTICE**
- EFFECTIVE MEASURES FOR THE ACTUAL IMPLEMENTATION OF HUMAN RIGHTS, ALSO AGAINST THE WILL OF THE RESPECTIVE STATES AND NON-GOVERNMENTAL POWER GROUPS, AND HELP HUMAN RIGHTS TO ACHIEVE A BREAKTHROUGH IN REAL LIFE AS WELL.

# MONITORING TASK OF STATES

- INTERNATIONAL LAW ARE CONCLUDED AMONG STATES AND CONTAIN MUTUAL RIGHTS AND DUTIES THAT ARE BINDING UNDER INTERNATIONAL LAW AND ARE OVERSEEN BY THE **STATES PARTIES** THEMSELVES AS A MATTER OF PRINCIPLE.
- THIS GENERALLY ALSO HOLDS TRUE FOR HUMAN RIGHTS TREATIES, ALTHOUGH THE BENEFICIARIES, I.E. THE RIGHTS HOLDERS ARE IN THIS CASE NOT STATES BUT INDIVIDUALS.
- GOVERNMENTS ARE NOT ONLY RESPONSIBLE FOR ENSURING THAT HUMAN RIGHTS ARE RESPECTED AND ENSURED ON THEIR SOVEREIGN TERRITORY BUT THAT OTHER STATES PARTIES DO THIS AS WELL THROUGH APPROPRIATE MONITORING MEASURES.

# INTERNATIONAL POLITICAL MONITORING AND FACT-FINDING

- MANDATE INTERNATIONAL BODIES TO SUPERVISE HUMAN RIGHTS **SUCH AS POLITICAL BODIES**
- **UNITED NATIONS HUMAN RIGHTS COUNCIL**, WHICH REPLACED THE FORMER COMMISSION ON HUMAN RIGHTS IN 2006. IT CONSISTS OF 47 STATES
- **UNIVERSAL PERIODIC REVIEW (UPR)**,
- **INDEPENDENT EXPERTS**
- **COUNTRY-SPECIFIC SPECIAL RAPORTEURS**
- **THEMATIC SPECIAL RAPORTEURS AND WORKING GROUPS**
- **REPORTS BY NON-GOVERNMENTAL ORGANIZATIONS**
- **REGIONAL ORGANIZATIONS**

# JUSTICE SYSTEM

## International human rights courts

- 1. ICJ in the Hague**
- 2. International Criminal Court (ICC) in The Hague**
- 3. Nuremberg Trials**
- 3. number of ad-hoc criminal tribunals** (for the former Yugoslavia, Rwanda, Sierra Leone or Cambodia)

## Regional human rights courts

- 1. Inter-American Court of Human Rights** in San José
- 2. African Court on Human and Peoples' Rights**
- 3. European Court of Human Rights**

# GROUP WORK

သင်တို့သူငယ်ချင်းတစ်စုအား နိုင်ငံတကာလူ့အခွင့်အရေးကော်မတီမှ အစီရင်ခံစာတစ်စောင်ရေးရန် အကူအညီတောင်းလာပါက မည်သည့်လူ့အခွင့်အရေးချိုးဖောက်မှုအား တင်ပြလိုသနည်း။  
သင်တို့အဖွဲ့၏ အစီရင်ခံစာအား

- မည်သူတို့အားဖတ်စေချင်သနည်း။
- မည်သူတို့အတွက် အကျိုးဖြစ်စေလိုသနည်း။
- နိုင်ငံတကာအဖွဲ့အစည်းများအား မည်သို့အကြံပြုလိုသနည်း။

• **THANK YOU**

