
VIVEKANANDA COLLEGE THAKURPUKUR KOLKATA-700063

NAAC ACCREDITED 'A' GRADE



Topic: United Nations Human Rights
System: Treaties, Mechanisms and Documents

Course Title: UN bodies involved in promotion of human rights

Paper: GE-

Unit: A- IV

Semester: 2

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United Nations Human Rights System: Treaties, Mechanisms and Documents

I. International Bill of Human Rights:

The International Bill of Human Rights refers to a collection of three international documents: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and their two Optional Protocols. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), establishing the vision and principles which recognize the interdependence and indivisibility of all human rights: a vision that guarantees people civil and political freedom as well as economic and social well-being. ESCR were embodied in international treaty law through the International Covenant on Economic, Social and Cultural Rights (ICESCR). To date, more than 150 countries have ratified the ICESCR, accepting the obligation to fulfil the economic, social and cultural rights of their peoples.

The following documents form the International Bill of Human Rights:

- 1: Universal Declaration of Human Rights
- 2: International Covenant on Economic, Social and Cultural Rights
 - (a): Optional Protocol to the Covenant on Economic, Social and Cultural Rights
- 3: International Covenant on Civil and Political Rights
 - (a): Optional Protocol to the International Covenant on Civil and Political Rights
 - (b): Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

II. United Nations Human Rights Mechanisms:

- 1: United Nations Office of the High Commissioner for Human Rights

The role of the OHCHR is to protect and promote human rights. It is the main office in the United Nations that deals with human rights and it works to ensure that human rights standards are applied in all of the UN's activities. It collaborates with governments to strengthen their human rights capabilities, encourages states to develop policies and institutions that are conducive to human rights, and provides advice and technical assistance to achieve these goals.

- 2: United Nations Human Rights Council

The Human Rights Council replaces the Commission on Human Rights as the main UN body charged with monitoring and evaluating conditions of human rights in countries around the world and identifying major areas of concern. This includes a system of special procedures, expert advice, and a complaint procedure. Composed of 47 Member States elected by the UN

General Assembly, the Council serves as a round-table for governments and civil society groups to raise concerns about human rights abuses in particular countries, as well as thematic areas of concern. The Council meets at least three times a year and also functions through a series of working groups and special procedures.

3: Special Procedures of the Human Rights Council

These include the Open-ended working group to consider options regarding the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which would include an individual complaint mechanism. Special procedures with thematic mandates include Special Rapporteurs on Adequate Housing, the Right to Education, the Question of Human Rights and Extreme Poverty, the Right to Food and the Right to Health, who are able to receive information on specific allegations of human rights violation and send urgent appeals or letters of allegation to governments asking for clarification, as well as reporting on visits and investigations which uphold the basic principles and core values of economic, social and cultural rights

4: The following are the seven **Human Rights Treaty Bodies** that monitor the implementation of the core international human rights treaties.

- (a): Human Rights Committee (HRC)
- (b): Committee on Economic, Social and Cultural Rights (CESCR)
- (c): Committee on the Elimination of Racial Discrimination (CERD)
- (d): Committee on the Elimination of Discrimination Against Women (CEDAW)
- (e): Committee Against Torture (CAT)
- (f): Committee on the Rights of the Child (CRC)
- (g): Committee on Migrant Workers (CMW)

General Comments are the published interpretations and recommendations by the corresponding treaty committees (HRC, CESCR, CERD, CEDAW, CAT, CRC and CMW) on the content of human rights provisions.

III. United Nations Human Rights Documents related to ESCR:

- 1: United Nations Fact Sheet No.16 (Rev.1), The Committee on Economic, Social and Cultural Rights
- 2: Vienna Declaration and Programme of Action
- 3: United Nations Millennium Declaration
- 4: Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, Maastricht, January 22-26, 1997
- 5: Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights
- 6: Poverty and the International Covenant on Economic, Social and Cultural Rights, 10 May 2001 Committee on Economic, Social and Cultural Rights, Twenty-fifth session,

Geneva, 23 April - 11 May 2001, UN Document: E/C.12/2001/10.

7: Addressing Concentration in Food Supply Chains: The Role of Competition Law in Tackling the Abuse of Buyer Power

IV. Core United Nations Treaties and Declarations:

In addition to covenants and conventions which have force as international law, member states of the United Nations have also ratified various declarations reflecting the aspirations of the international community in regards to the rights of all peoples. While these declarations are not legally binding, they do reflect the consensus of the international community, and can be considered part of the body of customary international law.

- 1: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
 - (a): Optional Protocol - CEDAW
- 2: Convention on the Rights of the Child (CRC)
 - (a): Optional Protocol - CRC, on the involvement of children in armed conflict
 - (b): Optional Protocol - CRC, on the sale of children, child prostitution and child pornography
- 3: Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- 4: International Covenant on Civil and Political Rights (ICCPR)
 - (a): ICCPR - First Optional Protocol
 - (b): ICCPR - Second Optional Protocol
- 5: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
 - (a): Optional Protocol - CAT
- 6: International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)
 - (a): Protocol - CMW
- 7: Slavery Convention
- 8: Convention relating to the Status of Refugees (CSR)
 - (a): Protocol - CSR
- 9: Declaration on the Rights of Disabled Persons
- 10: Declaration on the Rights of Mentally Retarded Persons
- 11: Declaration on the Right to Development
- 12: Declaration on the Right to Social Progress and Development
- 13: Declaration of Commitment on HIV/AIDS

V. ILO Conventions:

The ILO, one of the world's longest existing multilateral organisations, was founded in 1919 as a part of the Treaty of Versailles which established the League of Nations. The ILO is a major source of international standards in regards to workers' rights.

- 1: Convention (No.122) concerning Employment Policy
- 2: Convention (No.154) concerning the Promotion of Collective Bargaining
- 3: Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries
- 4: Convention (No.182) concerning Prohibition and Action for Elimination of Child Labour
- 5: Convention (No.29) concerning Forced Labour
- 6: Convention (No.87) concerning Freedom of Association and Protection of the Right to Organise
- 7: Convention (No.98) concerning the Application of the Principles of the Right to Organize and to Bargain Collectively
- 8: Convention (No.100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value
- 9: Convention (No.111) concerning Discrimination in Respect of Employment and Occupation
- 10: Convention (No.138) concerning Minimum Age for Admission to Employment

