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INTERNATIONAL HUMAN RIGHTS AND THE UN SYSTEM

> WHAT ARE HUMAN RIGHTS?

Human rights define the basic, minimum standards to which every human being is entitled, regardless of circumstance and without discrimination. They are inherent to human dignity and therefore, inalienable and universally applicable. Human rights are interdependent and indivisible in that advancing one, facilitates advancement of others and likewise, detriment to one, is detrimental to others.

> HISTORY

Although pre-dated by early moral and religious codes and even domestic, legal frameworks, modern consensus of the scope of international human rights was only developed following the devastation of the Second World War. In 1945 the UN Charter expressed a hope to 'reaffirm faith in fundamental human rights', and in 1948, this aspiration was more clearly affirmed in the General Assembly's adoption of the Universal Declaration of Human Rights (UDHR). In order to give legal effect to these agreed, though legally non-binding standards, the former United Nations Commission on Human Rights drafted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), both opening for signature in 1966 and entering into force in 1976. The UDHR, the ICCPR and its two Optional Protocols, and the ICESCR together form the International Bill of Rights.

> ENFORCING HUMAN RIGHTS:

Since the adoption of the UDHR, a series of international human rights treaties, declarations and other instruments have contributed to the development and understanding of international human rights law. Through its respect for national sovereignty and comity, this formidable body of international and customary international law delegates primary responsibility for enforcement of human rights, with member states. Parties to such treaties therefore assume duties to respect and protect human rights, and if ratified, are required to implement their international obligations into domestic law.

While states are considered the most suitable and accessible forum for redress, where they are unable or unwilling to do so, mechanisms such as the Complaints Procedure set up by the Human Rights Council, exist to hear individual complaints at regional and international levels. Violating human rights in the specific circumstance of international criminal law, especially in conflict periods, can also be prosecuted by the International Criminal Court and regional ad hoc tribunals. More recently, efforts have also been made to enforce responsibility for human rights abuses caused by non-state actors. The UN Guiding Principles on Business and Human Rights helps to promote this idea of international corporate social responsibility and was re-endorsed by the Human Rights Council in June 2014.

> CORE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

There are currently nine core human rights instruments (in addition to Optional Protocols accompanying some of the instruments) which help to cover the broad range of internationally recognized human rights; whether they be individual or collective rights, rights relating to specific rights holders (such as Women or Children) or rights relating to specific kinds of abuse (such as Racial Discrimination or Torture). All UN member states have ratified at least one of the core human rights treaties, and 80 percent have ratified four or more - indicating a strong commitment by member states to undertake domestic implementation.

The core human rights instruments include:

- > ICERD: *International Convention on the Elimination of All Forms of Racial Discrimination*
- > ICCPR: *International Covenant on Civil and Political Rights*
- > ICESCR: *International Covenant on Economic, Social and Cultural Rights*
- > CEDAW: *Convention on the Elimination of All Forms of Discrimination Against Women*
- > CAT: *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*
- > CRC: *Convention on the Rights of the Child*
- > ICMW: *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*
- > CPED: *International Convention for the Protection of All Persons from Enforced Disappearance*
- > CRPD: *Convention on the Rights of Persons with Disabilities*

> CORE HUMAN RIGHTS BODIES:

The international human rights regime is monitored by the various mechanisms of the UN system; including the Office of the High Commissioner for Human Rights (OHCHR), UN Charter-based and Treaty-based bodies.

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS:

The OHCHR is the principle human rights organ of the UN. The OHCHR supports the work of UN Charter-based and Treaty-based human rights bodies, in addition to securing environments that enable and promote respect for human rights. This includes enhancing equality and dismantling discrimination, combating corruption and strengthening the rule of law, integrating human rights into development and economic agendas, and being alert to potential human rights violations in situations of conflict and insecurity.

CHARTER-BASED BODIES:

Charter bodies include the Human Rights Council (HRC) and Special Procedures (established under the former Commission on Human Rights).

The HRC is an intergovernmental body consisting of 47 UN Member States and is responsible for promoting and protecting international human rights and for investigating and making recommendations on potential cases of human rights abuse. Among other functions, the HRC conducts a Universal Periodic Review (UPR) to assess the human rights record of its member states, provides expertise and advise on thematic human rights issues through its Advisory Committee and allows individuals to bring human rights violations to the attention of the HRC through its Complaints Procedure.

Special Procedures include individuals (such as Special Rapporteurs and independent experts) and working groups, which address either country-specific human rights issues or thematic human rights concerns. Notably, Special Procedures mechanisms have an extensive mandate to consider situations in all parts of the world, regardless of whether a country has ratified a relevant human rights instrument.

TREATY-BASED BODIES:

Treaty bodies are committees of independent experts created in accordance with the core international human rights treaties and tasked with monitoring their respective implementation.



UN Photo/Jean-Marc Ferre

Australia actively engages with the international human rights regime and voluntarily submits to the UPR process. It was reviewed in 2011 and 2015, receiving praise and criticism for its human rights record, and recommendations for its improvement. Australia also complies with its annual HRC reporting obligations and notably offered a standing invitation to any UN Special Rapporteur wishing to audit its alignment against the human rights instruments to which Australia is a party.



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