

Global Focus on Knowledge at the University of Tokyo
2007 Summer Session “Sustainability from Society Viewpoints-Peace, Development,
Human Rights” Day # 10 day
“Aspects of International Human Rights Security”

Aspects of International Human Rights Security

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Human Rights Security Provided by UN

1 System Based on Human Rights

Treaties

- State- to- State Complaint Procedure
- Individual Complaint Procedure

2 System Based on UN Charter

- Promotion
- Protection

Human Rights Organization Based on UN Charter

- General Assembly
- Economic and Social Council
- UN Commission on Human Rights
Human Rights Council
- Sub-Commission on Promotion and
Protection of Human Rights modified
- UNCHR

Promotion of Human Rights

1. Standard-setting
2. Publicity, Enlightenment
3. Research
4. Advisory service

Protection of Human Rights

- UN commission on Human Rights was at first negative
- Commission on Human Rights said “ (we) do not have any authorities over implementation of any statements concerning Human Rights” (1947)
- 1967 onwards, Human Rights have changed from promotion to protection

Protection of Human Rights

1 Public Session

- Country mandates
- Thematic mandates

2 Individual Communication Procedures

1 Public Session

- Economic and Social Council Resolution 1235 (1967)
 - Annual deliberation of “Human Rights violation in all nations”
 - Open
 - NGO can take the floor
 - Place where Human Rights Invasions are appealed to the world widely
 - Accusation and recommendation concerning “continuous forms of serious Human Rights violations”
 - Nations other than South Africa and Israel became objects

Special Procedures

1. Country mandates
2. Thematic mandates

(1) Country Mandates

- Working group and special reporter
- Report based on investigation of the situation of Human Rights
 - Chili(1975), El Salvador(1981), Bolivia(1981), Guatemala(1982) etc.
- Currently twelve countries mandated
 - Cambodia, North Korea, Myanmar, Sudan, etc.

(2) Thematic Mandates

- Special reporter and working group
- Report by investigation (including country visits)
 - Enforced disappearance(1980), massive escape(1981), summary execution(1982), torture(1985)
- Currently 28 thematic mandates
 - Indigenous people, violence against women, terrorism, etc.

2 Individual Communication Procedure

- Economic and Social Council Resolution 1503 (1967)
 - “matter which shows continuous forms of serious Human Rights violations”
 - Un-open
 - Every nation is subject to scrutiny
 - Including social rights
 - All people can report
 - Object is “matter”

Establishment of Human Rights Council

- Position of council
- Number of nations in council
- Method of election
- Exclusion of breaching nations
- Sessions

UN Human Rights Council Election

UN Assembly, May, 2006



Source: <http://www.un.org/av/photo/detail/0117897>

Election Results of Human Rights Council Asia (Thirteen Countries)

- 1 India (173 votes)
 - 2 Indonesia (165 votes)
 - 3 Bangladesh (160votes)
 - 4 Japan (158votes)
 - 5 Malaysia (158votes)
- Pakistan (149) Korea (148) China (146)
Jordan (137) Philippines (136) Bahrain
(134) Saudi Arabia (126) Sri Lanka(123)

Election Result of Human Rights Council

- **Africa (13)** Ghana, Zambia, Senegal, South Africa, Mauritius, Morocco, Mali, Gabon, Djibouti, Cameroon, Tunisia, Nigeria, Algeria
- **Latin America(8)** Brazil, Argentina, Mexico, Peru, Guatemala, Uruguay, Cuba, Ecuador
- **East Europe(6)** Russia, Poland, Czech Republic, Ukraine, Azerbaijan, Romania
- **West Europe(7)** Germany (154), France, UK, Switzerland, Netherlands, Finland, Canada

UN Human Rights Council

Geneva, July, 2006



Source: <http://www.un.org/av/photo/detail/0121579>

Points of UN Human Rights Council

- The customary practice of highlighting the situation of Human Rights in particular nations (selectivity)
- Universal Periodic Review
- Sub-Commission on Promotion and Protection of Human Rights
- Special Procedures and Individual Communication Procedures

Human Rights Invasion is Becoming an International Crime

- New international implementation measures against Human Rights abuse
- Nuremberg Military Tribunals, Tokyo War Crimes Tribunal,
 - War Crimes, Crimes against Humanities
- International Criminal Tribunal for the former Yugoslavia(1993)
 - War Crimes, Genocide, Crimes against Humanity

United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court

Rome, 1998, July



Source: <http://www.un.org/icc/index.htm> (<http://www.un.org/icc/photos/156b18s.jpg>)

International Criminal Court

- In 1998, Rome Statute was adopted
- Executed in 2002
- Established in the Hague (Netherlands)
- 18 judges
- Two-tiered system

Crimes

- Genocide
- Crimes against humanity
 - Torture, enforced disappearance etc.
- War crimes

The Principle of Subsidiary

- The principle that domestic tribunals administer punishment
- When domestic police/justice malfunctions, International Criminal Court administer punishment

Consent of Concerned Nations is Necessary

- Consent of either “nations where the person accused of committing a crime is a national of a state party” or “nations where the alleged crime was committed on the territory of a state party” is necessary
- America refused to ratify
- Possibilities of prosecution of American soldiers

Referred System

- 1 Referred by a state party
 - Uganda, Democratic Republic of the Congo, Central African Republic
- 2 Referred by UN Security Council
 - Sudan (Darfur regions)
- 3 Investigations and prosecutions by Office of the Prosecutor

UN Security Council (Darfur Issues)

March, 2005



Source: <http://www.un.org/av/photo/detail/0069691>

Japanese Accede

International Criminal Court

- Japan plans to become a party to it in 2007
- The Highest contribution
- Necessity of human contribution

Regional Human Rights Security

- European Convention on Human Rights
- American Convention on Human Rights
- African Charter on Human and Peoples' Rights

- Asia has no such Conventions or Charters

European Court of Human Rights Strasbourg



Source: <http://www.echr.coe.int/ECHR/EN/Header/Visitors/Information+for+visiting+groups/How+to+request+a+visit/>

European Convention on Human Rights (ECHR)

- European Court of Human Rights (Permanent Court)
- Individual complaints
- Each complaint is heard for examinations
- Ten to twenty thousands complaints annually
Most of them are declared inadmissible
- Expanded interpretation
- Precedents are referred by interpretations of ICCPR

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End