
The United Nations Human Rights Regime: An Analysis

Dr. Inderjit Singh

*Assistant Professor, Department of Political Science, Panjab University Constituent College, Sikhwala,
Sri Muktsar Sahib (Panjab)*

ABSTRACT:

Human rights norms got international recognition with the adoption of the United Nations Charter in 1945. Following the Universal Declaration and International Covenants an international human rights regime has emerged under the United Nations for the promotion and protection of human rights throughout the world, consisting of numerous international conventions and institutions. The United Nations Human Rights Regime has evolved along two parallel basis, one based on the United Nations Charter, the other on the human rights treaties adopted by the United Nations which have established mechanisms for the promotion, enforcement and to monitor compliance of international human rights norms. The present paper analyses the evolution and status of the United Nations Human Rights Regime in international politics.

KEY WORDS: *Human rights, United Nations, Regime, Charter, Norms, Universal Declaration, International Covenants,*

Human rights norms have gained widespread acceptance in international politics. Human rights have increasingly become part of the shared knowledge and collective understandings informing a “Global Polity” composed of international and regional human rights regimes, organizations, non-governmental organizations. The international recognition of human rights is explored and inspired by the UN Charter. The UN Charter was the first international multilateral treaty to embody human rights in its provisions, which made it distinct from the Covenant of the League of Nations.ⁱ The Charter is among other things, a human rights instrument. It is the foundation upon which a large body of international human rights laws has been built. Significantly, there are as many as seven references to human rights, which is more than any other subject that has been mentioned in the Charter.ⁱⁱ

Human rights norms can be understood in terms of *regime theory*. International regimes have been on the agenda of international politics over the last few decades. Regimes are important because they facilitate some form of global governance in an anarchical realm. They reflect the fact that states often have converging national interests and are willing to cooperate to achieve certain outcomes. As a consequence, it is believed that regimes play a significant role in reducing the level of international conflict between states and facilitating cooperation at the international level.ⁱⁱⁱ

International regimes were defined as ‘sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors, ‘expectations converge in a given issue-area of international relations.’ Principles are beliefs of fact, causation, and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-Making producers are prevailing practice

for making and implementing collective choice. This “standard” definition is well grounded in more established usage.^{iv}

Regime, in politics is used as- "a manner, method or system of rule or government; a system or institution having widespread influence or prevalence" - are common in English, as well as in French, where the English word originated. They also preserve the central sense of the Latin root, *regimen*, "rule, guidance, government, command". The French "regime" also refers to a system of rules or regulations. This usage has become well established in international law.^v

This usage is consistent with other recent formulations, which defined "International regime" as "norms and decision-making procedures accepted by international actors to regulate an issue area". States (and other relevant actors) accept certain normative or procedural constraints as legitimate, thereby partially replacing "original" national sovereignty with international authority. Although sovereignty thus remains the central ordering principle of the society of states, regimes require limited renunciations of sovereign national authority in an issue-area in order to reduce the costs of international anarchy.^{vi}

Regimes can take the form of conventions, international institutions. They can be found in a variety of issue areas, including economics, the environment, policing, transport, security, communications, human rights, arms control, even copyright and patents. Indeed they exist in most issue areas, where states have similar interests. The World Trade Organisation (WTO), the United Nations Conventions on the Law of the Sea (UNCLOS) and the Chemical Weapons Convention (CWC) are all examples of firmly established regimes. A regime can be bilateral, multilateral, regional, or global in scope. It can also be formal and highly institutionalized or quite loose and informal.^{vii} Regimes have also been classified as declaratory, promotional, implementation, and enforcement regimes, each of which can be classified as relatively weak or strong.^{viii}

Human rights norms are incorporated in international relations through regimes. Human Rights norms have enjoyed consistently growing recognition in international politics since 1945. On December 10, 1948, the United Nations General Assembly adopted the *Universal Declaration of Human Rights (UDHR)*. At the time, the delegates clearly noted that the Declaration was not a binding treaty but rather a statement of principles. Eleanor Roosevelt said that the Declaration “set up a common standard of achievement for all people and all nations,” and “might well become an international Magna Carta of all mankind.”^{ix} Since the adoption of the *Universal Declaration*, human rights institutions in the United Nations system have both increased in numbers and often evolved beyond a declaratory and promotional status. In the meantime and following the Universal Declaration, a global human rights regime has emerged consisting of numerous international conventions, specific international organizations to monitor compliance, and regional human rights arrangements.

The international human rights regime as a regulating set of norms begins in the 1940s, when these norms became progressively institutionalized on a global and regional level.^x An international human rights regime has developed under the United Nations since 1945, which is a set of norms and institutions accepted by states as binding. The United Nations human rights system is a 'regime'- it has well-established norms, institutions for creating and modifying norms, largely internationalized standard-setting procedures, institutions for identifying human rights violations, agencies that can investigate these violations and call

governments to account for them, and means of promoting respect for human rights norms.

The United Nations regime for human rights was put in place by the General Assembly's *Universal Declaration of Human Rights*, adopted in 1948 by a vote of 48-0-8. The Declaration covers all kinds of rights i.e. political, social, economical and cultural rights. These rights are spelled out carefully in two Covenants opened for ratification in 1966: the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural rights*.^{xi}

Human Rights norms are further elaborated by several Conventions adopted by the United Nations, including two Optional Protocols to the International Covenant on Civil and Political Rights,^{xii} the Conventions against the Crimes of Genocide, Racial Discrimination, Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Apartheid, Slavery etc. and Conventions relating to the rights of vulnerable groups such as Children, Women, Refugees, Migrant Workers, Prisoners, Minorities etc. Regime's norms are well established, quit coherent and widely accepted.

The *Universal Declaration* can be taken as representative of the international human rights regime as a whole in so far as it attempts to set standards in ways that have been filled out by a raft of human rights declarations, covenants and conventions, regional and global. It is no exaggeration to suggest that more than sixty years later, virtually all areas of the domestic political, economic and social structure of states are covered by some kind of international standard-setting. Therefore, the *Universal Declaration*, has evolved from a non-binding declaration to a generally accepted standard of state behaviour.^{xiii}

The Vienna Conference adopted the Vienna Declaration and Programme of Action on 25 June, 1993 which was subsequently endorsed by the General Assembly of the United Nations. Of particular significance is the Vienna Declaration's recognition and affirmation of the interdependence between democracy, development and human rights and the universality, indivisibility and interdependence of human rights. The Declaration's recommendation to the General Assembly of the United Nations for the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights has accepted in December 1993.^{xiv}

The United Nations human rights system has developed along two parallel basis, one based on the United Nations Charter, the other on the human rights treaties adopted by the United Nations. The *Charter-based system* comprises the human rights principles and institutional mechanisms that different UN organs have developed in exercising of their Charter powers. The *United Nations Commission on Human Rights, (UNCHR)* which played significant role in norm creation, promoting and monitoring human rights, remained at the center of the *Charter-based system*. Human rights promotion through the Charter system evolved considerably, moving from the 1947 assertion that the *UNCHR* had 'no power to take any action in regard to any complaints concerning human rights' (ECOSOC Resolution 75, V, 1947) to the current system of working groups and rapporteurs with specific country and thematic mandates as well as the Security Council's decisions declaring gross human rights violations as threats to international security and peace.^{xv}

The *UNCHR* was the procedural core of the international human rights system, until it was replaced by the *United Nations Human Rights Council (UNHRC)* in 2006^{xvi} and presently, it is the most important body in the international human rights system. Its mandate is, among

other things, to:

- Promote Universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.
- Address situations of violations of human rights including gross and systematic violations and to make recommendations thereon and
- Promote the effective coordination and the mainstreaming of human rights within the UN system.

The Universal Periodic Review (UPR) mechanism is an innovative and important part of the *UNHRC*'s machinery, through which the *UNHRC* periodically reviews the fulfillment by each of the UN's member States of their human rights obligations and commitments. In addition to the UPR, the *UNHRC* also has various mechanisms, including the Special Procedures, the Complaint Procedure and the Advisory Committee, as well as the open-ended Working Group on the Right to Development, the Expert Mechanism on the Right of Indigenous People, the Forum on Minority issues, the Special Forum and a number of mechanisms related to the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related intolerance.^{xvii} It is too early to evaluate the role of *UNHRC* because its working is still at early stages. But it can be hoped that it will go beyond the success of its predecessor the *UNCHR*.

The *United Nations High Commissioner for Human Rights* is another important Charter-based institution under the United Nations human rights system.^{xviii} *The High Commissioner for Human Rights* leads the *Office of the High Commissioner for Human Rights (OHCHR)* and is a part of the UN Secretariat. It is authorized to oversee all of the UN's human rights activities. This person receives complaints from individuals and NGOs, allocates tasks among UN agencies (agenda setting), assists in the development of new norms, supports the work of UN human rights agencies, responds to serious violations of human rights, provides education information, advisory services and technical assistance and generally promotes human rights within the UN and elsewhere.^{xix}

The Security Council's decisions to create the *ad hoc* International Tribunals for the former Yugoslavia (1993) and Rwanda (1995)^{xvii} were certainly inadequate and could not detract from the failure of the international community to intervene in time to prevent mass atrocities. However, they also became an important precedent for the pursuit of criminal justice on the international level, later translated into the intergovernmental human rights treaty for the establishment of a permanent international criminal court (1998).^{xx}

The *treaty-based system* consists of a large number of human rights treaties drafted under the United Nations. Some of these treaties also establish institutional mechanisms to monitor compliance by the state parties with the obligations imposed by these instruments. The parties to the 1966 *International Covenant on Civil and Political Rights* "undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights".^{xxi} These reports are revised by the *Human Rights Committee (HRC)* a monitoring body of the Covenant consisting of eighteen independent experts.

The *Committee's* practice in reviewing reports reflects a narrow reading of its powers : it

does not make formal evaluations of or even comments on the compliance or noncompliance of individual states and its "study" of reports has been restricted to individual review by each member and most important, public questioning of state representatives. This rather haphazard procedure has worked better than might be expected because of the genuine independence of many of the experts and questioning based on information obtained from non government organizations and other unofficial sources. The *Committee's* reports, however, have been limited to factual annual reports (plus general promotional comments concerned principally with improving the quality of reports).^{xxii} The reporting procedure has provided a widely accepted promotional mechanism but weak monitoring mechanisms. The one area where guarded optimism may be appropriate is the *Committee's* consideration of individual petitions under the *Optional Protocol of the Covenant*, "the best procedure within the U.N. system for the examination of petitions".^{xxiii}

Apart from *Human Rights Committee*, most of the other UN human rights treaties also established treaty body mechanisms, with variations, such as the *Committee on Economic, Social and Cultural Rights*, the *Committee on the Elimination of Racial Discrimination*, the *Committee on the Elimination of Discrimination Against Women*, the *Committee Against Torture and its Sub Committee*, etc. The *Committees* have had to interpret and apply their respective *Conventions* in reviewing and commenting on the periodic reports, the state parties must submit to them and in dealing with the individual complaints that some treaty bodies are authorized to receive. This practice has developed substantive norms and established standard-setting procedures of international human rights regime.

The 1998 Rome treaty on the establishment of a Permanent International Criminal Court indicates continued innovation and strengthening within the UN *treaty-based system* but also the growing focus on crimes against humanity. The establishment of individual responsibility for such crimes represents a major step towards the direct enforcement of a specific set of international human rights norms.^{xxiv}

The United Nations, since 1945 has done a lot of standard-setting, institution-building and human-rights promotion, which led to the emergence of the international human rights regime. The UN human-rights regime is based on the *Universal Declaration*. The Vienna Declaration and the relatively larger number of signatories to 1966 Covenants show that the most states accept the legitimacy of this regime. There has been a considerable growth in human-rights regime since 1945, both of general rights and of more specific rights, such as those of workers, women, against racial discrimination and torture. This growth has been largely in declaratory and promotional regimes. The move to implementation and enforcement regimes poses greater threats to state sovereignty and has therefore been extremely slow and uneven. Human-rights regimes show that moral concerns play some part in international relations, although this is marginal. These regimes are strongest among states for whom they are least needed, although they may affect marginal improvements in these states and are least likely to develop among states in which human-rights violations are very bad. Generally, human-rights regimes reflect states' commitment to human rights; only marginally do they strengthen that commitment.^{xxv}

State sovereignty and cultural difference provide two strong defences against outside pressures for human-rights improvement, and yet the legitimacy of human rights is sufficiently strong that pressures from governments and NGOs can lead to improvements in the human rights performance of governments and even to changes of government that result

in dramatic improvements.^{xxvi} Nevertheless, the political character of international human-rights institutions can promote human rights if a sufficiently strong alliance of states exerts pressure on an offending state with an interest in conforming with the demands of the society of states. The international human rights regime has some prestige in world politics that gives it the potential for mobilization. Its political selectivity undermines this prestige.^{xxvii}

Infect, the United Nations Human Rights Regime is political based on cooperation among states. It is a relatively strong promotional regime with limited enforcement power. The concept of state sovereignty and the realities of international power politics still make the implementation of human rights norms uneven and weak. A strong system for the enforcement of human rights and monitoring human rights is gradually developing. The creation of the *United Nations Human Rights Council* and establishment of the *International Criminal Court* can be seen as optimistic steps in this direction.

NOTES AND REFERENCES:

- i. Second World War was the catalyst which produced revolutionary development in international politics regarding human rights. The allied leaders and their governments, reflecting the aroused conscience of the free world, insisted that the foundations of peace must be built upon respect for human rights. In January 1941, President Roosevelt, in his message to Congress, enunciated what are termed as the Four Freedom: Freedom of speech, freedom of worship, freedom from wants, and freedom from fear “everywhere in the world”. These freedoms were the goals for which the world must strive for. The Atlantic Charter of 1941 set forth similar objectives for the post – War world. In October 1942, Prime Minister Churchill promised that “When this struggle ends within the enthronement of human rights, social persecution will be ended”. The Washington Conference of 1942, the Moscow Conference of 1943, and the deliberations at Dumbarton Oaks in 1944 gave similar assurances. Support for a strong human – rights commitment came mainly from smaller countries in Latin America, the West and the third world. Opposition came mainly from the great powers, especially the USA and the USSR. Partly as the result of determined lobbying by non – governmental organizations (NGOs) , the UN’s San Francisco conference of 1945 included a number of human – rights provisions in the UN Charter. United Nations, *These Rights and Freedoms* (New York: United Nations Department of Public Information, 1950), p.9; See also Antonio Cassese, “*The General Assembly: Historical Perspective 1945 – 1989*” in Philip Alston, eds, *The United Nations and Human Rights: A Critical Appraisal* (Oxford: Clarendon Press, 1992), pp. 25-27; See also Philip Alston, “*The Commission on Human Rights*” in Alston, eds., *The United Nations and Human Rights: A Critical Appraisal*, pp. 126-127.
- ii. The preamble to the charter declares that one of the main aims of the UN is ‘to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.’ Article 1 states that one of the principal puposes of the UN is ‘to achieve international co-operation in promoting and encouraging respect for human rights and fundamental for all.’ Article 55 provieds that the UN shall promote ‘universal respect for, and obervance of, human rights and fundamental freedoms for all without distinction as to race. Sex, language or religion.’ Article 56 states that all members of the UN pledge themselves to take joint and

separate action in co-operation with the UN for the achievement of the purposes set forth in Article 55. Article 68 required the Economic and Social Council to set up commissions for the promotion of human rights, and on the basis the council set up the Human Rights Commission that was to draft the Universal Declaration. Article 62 said that the Council ‘may make recommendations for the purpose of promoting respect for, and observance of human rights’, and this was the basis on which it recommended to the General Assembly that it adopt and proclaim the declaration. For details see The Charter of the United Nations, Article 1, Article 13, para 1(b), Article 55, (c). and 56, Article 62, para 3, Article 68, Article 76 (c); See also Cassese, “*The General Assembly: Historical Perspective 1945 – 1989*”, pp. 25-26; See also J. Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999), pp. 2-4.

- iii. Martin Griffiths, *Encyclopedia of International Relations and Global Politics* (London, New York: Routledge, 2005), p. 722.
- iv. Regimes are also defined as "governing arrangements that affect relationships of interdependence," or more precisely, " networks of rules norms, and procedures that regularize behavior and control its effects" in an issue-area. See Stephen D. Krasner, *International Regimes*, eds. (Ithaca: Cornell University Press, 1983), p.2; See also Stephen D. Krasner, "*Structural Causes and Regime Consequences: Regimes as Intervening Variables*", No. 36, Vol. 2, Spring, 1982, pp. 185-186; See also Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston : Little, Brown, 1977), p. 19.
- v. Jack Donnelly, "*International Human Rights: A Regime Analysis*", *International Organization*, Vol .40 ,summer1986, p. 600.
- vi. *Ibid.*, p. 602.
- vii. Griffiths, *Encyclopedia of International Relations and Global Politics*, p. 722.
- viii. *Declaratory* regimes involve international norms but no international decision making (except in the creation of norms); *Promotional* regimes involve international information exchange, promotion, or assistance, and perhaps even weak monitoring of international standards; *Implementation* regime include weaker monitoring procedures, policy coordination, and some forms of information exchange; *Enforcement* regimes involve international decision making and the stronger forms of international monitoring. See Donnelly, "*International Human Rights: A Regimes Analysis*", p.p. 604-605.
- ix. See John Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, NY: Transnational Publishers, 1984), p. 73.
- x. This applies to human rights concerns in peacetime as well as to situations of armed conflict and war. The international precursors to the human rights issue included the movement for the respect for human rights during armed conflict, the campaign for the abolition of the slave trade and slavery, the work within the League of Nations for the protection of minority rights, the early work on the rights of workers in International Labour Organization, and the campaign for women’s suffrage. But each of these efforts fell short of full-fledged demand for attention to human rights as a legitimate topic of international action. Hans P. Schmitz and Kathryn Sikkink, "*International Human*

Rights,” in Walter Carlsnaes & others, eds., *Handbook of International Relations* (London: Sage Publications, 2002), p. 524.

- xi. The Universal Declaration states in its Preamble that recognition of the inherent dignity and of the equal and inalienable rights of all members of the family is the foundation of freedom, justice and peace in the world. It further recalls that Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms. It adds that a "common understanding of these rights and freedom is of the greatest importance for the full realization of this pledge". Its 30 articles encompass a broad range of civil, political, economic, social and cultural rights and reflect the differing aspirations and values that had to be reconciled in order to secure wide agreement for its adoption. But, this declaration was merely a statement of ideas, which was not of the nature of a legally binding covenant and had no machinery for its enforcement that deficiency was sought to be removed by the United Nations General Assembly by adopting on 16 December, 1966, two International Covenants on human rights-one on Economic, Social and Cultural rights and second on Civil and Political Rights. While the former was addressed to the states to implement them by legislation, the later formulated legally enforceable rights of the individual. The Covenants were opened for signature on December 19, 1966 and both entered into force in 1976, after having received the requisite number of ratifications. For details see *General Assembly Resolution 217 A (III)* of 10 December 1948; See also *General Assembly Resolution 2200 A (XXI)* of 16 December 1966; See also Ian Brownlie, *Basic Documents on Human Rights*, eds., (Oxford: Clarendon Press, 1981), pp. 21-27 and 117-149.
- xii. These Protocols were optional in the sense they were in addition to the basic Covenant, and were to be subscribed to independently. The first Optional Protocol is symbolic of the radical changes to be wrought in international politics by the human rights movement. Through this Protocol, individuals are given legal standing in international relations-in contrast to the prevailing doctrine that only states had legal personality. Under the Protocol, states which are signatories recognize that the Human Rights Covenant has the competence to receive communications from individuals who claim to be victims of rights violations, and who have exhausted all domestic means available to them for redress. The Committee, if it determines the communication to be admissible, brings the communication to the attention of the state party, which must then offer an explanation within a certain time frame, indicating what steps if any have been taken to ameliorate the complaint.
- The second Optional Protocol to the Covenant aimed at the abolition of the death penalty. No individual within the jurisdiction of states parties to the Protocol may be executed; states must offer information about the steps they have taken to ensure that this is the case; and individuals may use the procedures of the first Protocol in relations to the subject of the second (unless the state in question withdrew this option at the time of ratification or accession). See *General Assembly Resolution 2200 A (XXI)* of 16 December, 1966; See also *General Assembly Resolution 44/128* of 15 December, 1989; See also Griffiths, *Encyclopedia of International Relations and Global Politics*, p.417.
- xiii. Thomas Buergenthal, *International Human Rights in a Nutshell* (St Paul, MN: West Publishing, 1995), p. 37.

-
- xiv. Arjun Dev, Indira Arjun Dev and Supta Das, *Human Rights: A Source Book*, eds. (New Delhi: National Council of Education Research and Training, 1996), pp. 109-110.
- xv. ECOSOC, in 1967 with resolution 1235 effectively ended the ‘no power to act’ doctrine of the UNCHR and called for the public investigation of human rights violations. While the new majority of States pushed for an explicit focus on racism and colonialism, the compromise formula kept the mandate open to investigate other situations as well. This narrow mandate was expanded a few years later when ECOSOC empowered the *UNCHR* to act on complaints from groups and individuals that revealed “a consistent pattern of gross and reliably attested violations human rights.” Schmitz and Sikkink, “*International Human Rights*,” p. 527; See also ECOSOC Res. 1503 (XLVIII) Para. 1 (May 27, 1970).
- xvi. The creation of the United Nations Human Rights Council is a new beginning in the promotion of human rights by the UN. The UNHRC is a successor to the United Nations Commission on Human Rights, which was often criticized for biased treatment it provided to member states that did not guarantee the human rights of their own citizens. Unlike the Commission on Human Rights, UNHRC is not under Economic and Social Council, but it is a sub-organ of the General Assembly with a promise that it could well be a principal organ at a later stage. This 47 member UNHRC is larger in size due to the principle of universality and broad representation. The 47 seats in the UNHRC are distributed among the UN's regional groups as follows : 13 for Africa, 13 for Asia, 6 for Eastern Europe, 8 for Latin America and the Caribbean, and 7 for the Western European and other groups. The members are 'elected directly and individually by secret ballot by the majority of the members' of the General Assembly. This election criteria is also applicable to permanent members of the Security Council. Membership of the UNHRC is limited to two consecutive terms, means the concept of permanent members (even if elected) has been done away with in this case. Equally remarkable are the universal and non-discriminatory criteria for the UNHRC membership: contribution to the promotion and protection of human rights and a voluntary commitment for human rights. As a logical-though rare-consequence, every member's human rights record would come up for review, and a member can be suspended from the membership of the UNHRC by the Assembly by a two-third majority if such a member is found to be committing gross and systematic human rights violations. Access to the UNHRC is not limited to members alone. There is provision for participation of non-members of UNHRC, specialized agencies, other inter-governmental institutions and national human rights institutions, as well as nongovernmental organizations as observers. The powers of the UNHRC are advisory and recommendatory and it would be guided by principles of 'universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation' with a view to promoting and protecting all human rights, 'including the right to development'. *G.A.O.R.*, 60th sess., 2006, Resolution 251 (LX) of 15 March 2006; See also C.S.R. Murthy, “*New Phase in UN Reforms: Establishment of the Peace Building Commission and Human Rights Council*”, *Journal of the School of International Studies*, New Delhi, Vol. 44, No. 1, January-March 2007, pp. 39-55.
- xvii. *The United Nations Human Rights System: How To Make It Work For You* (Geneva: The United Nations Non-Governmental Liaison Service, 2008), p. 7-8.
- xviii. *General Assembly Resolution 48/141* of December 20, 1993.
-

-
- xix. James W. Nickel, “*Is Today’s International Human Rights System Global Governance Regime?*” *The Journal of Ethics*, Vol.6, No.4, 2002, p. 366.
- xx. The Statute of the International Criminal Tribunal for the former *Yugoslavia* was adopted by the *Security Council* in its *Resolution 827 (1993) of 25 May 1993*. The Statute of the International Criminal Tribunal for Rwanda was adopted by the *Security Council* in its *Resolution 955 (1994) of 8 November 1994*; See also Schmitz and Sikkink, “*International Human Rights*”, p. 527.
- xxi. Article 40, Para 1 of the International Covenant on Civil and Political Rights, 1996.
- xxii. On the general practice of the Committee see Farrokh Jhabvala, “*The Practice of the Covenant’s Human Rights Committee, 1976-82: Review of State Party Reports*,” *Human Rights Quarterly*, Vol. 6, February 1984, p. 81-106; See also Ton J. Zuijdewijk, *Petitioning the United Nations* (Aldershot, England: Gower, 1982) p. 361.
- xxiii. The First Optional Protocol to the Covenant gives the Committee Competence to examine *individual communications* about countries ratifying the Protocol. Specific victims (not groups), or third parties on their behalf, can lodge complaints if they are under the jurisdiction of the country that is charged with violations of rights stated in the Covenant, but they must first exhaust national complaint procedures. Six months after allowing a country to respond to a complaint, the Committee can investigate, formulate its own views, and make a recommendation in the form of a remedy. Remedies may include payment of compensation, repeal or amendment of legislation, or release of a detained person, *HRC* also monitors compliance with the second Optional Protocol, which commits ratifying countries to abolish the death penalty. The United States is repeatedly criticized for excessive use of death penalty. Michael Haas, *International Human Rights: A Comprehensive Introduction* (London, New York: Routledge, 2008) pp. 218-219.
- xxiv. Schmitz and Sikkink, “*International Human Rights*,” p. 526.
- xxv. Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, NY: Cornell University Press, 1989), pp. 223, 227-228.
- xxvi. The desire of governments to benefit economically and politically from ‘good standing’ in the international community may play a considerable role in this process, but realists would be wrong to insist that the moral appeal of human rights has no effect in international relations. Donnelly, “*International Human Rights: A Regime Analysis*,” pp. 638-640.
- xxvii. Jack Donnelly, *International Human Rights*, 2nd ed. (Boulder, CO: West view Press, 1998), pp. 82-84.