

Oslo Diploma Course em  
Direitos Humanos  
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# Outline - Estrutura

- What are human rights and why do we have human rights?
  - *O que são direitos humanos e porque temos direitos humanos?*
- The structure of human rights system in the UN
  - *A estrutura do sistema de direitos humanos das Nações Unidas*
- How the system works: basic standards and mechanisms
  - *Como o sistema funciona: padrões mínimos e mecanismos*
- Charter and Treaty Bodies
  - *A Carta e Órgãos dos Tratados*
- UN Human Rights Council
  - *O Conselho de Direitos Humanos da ONU*
- Special Procedures
  - *Procedimentos Especiais*
- Universal Periodic Review
  - *Revisão Periódica Universal*

# What are human rights and why do we have human rights?

## O que são direitos humanos e porque temos direitos humanos?

Why do we have rights?

Porque temos direitos?

- Rights as a way of structuring relationship between individuals (contract rights) or between the state and the individual (citizenship rights, human rights)
- Direitos como forma de estruturar relacionamentos entre indivíduos (direitos contratuais) ou entre o Estado e o indivíduo (direitos de cidadania, direitos humanos)
- Rights regulate power
  - Oppression/repression
  - Use of power / misuse of power
- Direitos regulam o poder
- Opressão / repressão
- Uso do poder / uso indevido do poder
- Rights give power – empowerment and countervailing power, protection and immunity
- Os direitos conferem poder - empoderamento e poder de contrapoder, protecção e imunidade
- Rights as moral norms of regulating relationship between the powerful and those with less power
- Direitos como normas morais de regulação da relação entre os poderosos e aqueles com menos poder
- Rights as legal norms to protect certain values and interest that human beings have
- Direitos como normas legais para proteger certos valores e interesses que os seres humanos têm
- Citizenship: political commitment and legal protection
- Cidadania: compromisso político e protecção legal

# What are human rights and why do we have human rights?

## O que são direitos humanos e por que temos direitos humanos?

What are *human* rights?

O que são direitos humanos?

- Historical context – two world wars
- Contexto histórico – duas guerras mundiais
- Emergence of legal and other systems (institutions) for protecting human rights over time
- Surgimento de sistemas legais e outros (instituições) para proteger os direitos humanos ao longo do tempo
- International supervision, monitoring and remedy
- Supervisão, monitorização e reparação internacional
  - State sovereignty controlled?
  - Soberania do Estado controlada?
- The anti-colonial struggle and human rights?
- A luta anti-colonial e os direitos humanos?
- Human rights as *dynamic* – can new human rights be formulated?
- Direitos humanos como *dinâmicos* – podem os novos direitos humanos ser formulados?
- Philosophical justifications for human rights
- Justificações filosóficas para os direitos humanos
  - Human rights a protection against societal treats against basic human interests
  - Direitos humanos são uma protecção contra os interesses societários que estão contra os interesses humanos básicos

What is done to protect the rights of all people?

O que é feito para proteger os direitos de todas as pessoas?

At international level:

Ao nível internacional:

- Creation of UN and regional human rights institutions and mechanisms, including Courts
- Criação de instituições e mecanismos de direitos humanos da ONU e regionais, incluindo tribunais

At national level:

Ao nível nacional:

- People's struggle for respect of their rights – civil society
- A luta das pessoas pelo respeito dos seus direitos - sociedade civil
- Integration of human rights in national law and politics
- Integração dos direitos humanos no direito nacional e na política
- Human rights training and education
- Formação em direitos humanos e educação
- *Other?*
- *Outro?*



# The United Nations System

## UN Principal Organs

- General Assembly
- Security Council
- Economic and Social Council
- Secretariat
- International Court of Justice
- Trusteeship Council<sup>6</sup>

**Subsidiary Bodies**  
Main and other sessional committees  
Disarmament Commission  
Human Rights Council  
International Law Commission  
Standing committees and ad hoc bodies

**Funds and Programmes<sup>1</sup>**  
**UNCTAD** United Nations Conference on Trade and Development  
 • **ITC** International Trade Centre (UNCTAD/WTO)  
**UNDP** United Nations Development Programme  
 • **UNCDF** United Nations Capital Development Fund  
 • **UNV** United Nations Volunteers  
**UNEP** United Nations Environment Programme  
**UNFPA** United Nations Population Fund

**Subsidiary Bodies**  
Counter-terrorism committees  
International Criminal Tribunal for Rwanda (ICTR)  
International Criminal Tribunal for the former Yugoslavia (ICTY)  
Military Staff Committee  
Peacekeeping operations and political missions  
Sanctions committees (ad hoc)  
Standing committees and ad hoc bodies

**Advisory Subsidiary Body**  
Peacebuilding Commission

**Functional Commissions**  
Crime Prevention and Criminal Justice  
Narcotic Drugs  
Population and Development  
Science and Technology for Development  
Social Development  
Statistics  
Status of Women  
Sustainable Development  
United Nations Forum on Forests

**Regional Commissions**  
**ECA** Economic Commission for Africa  
**ECE** Economic Commission for Europe  
**ECLAC** Economic Commission for Latin America and the Caribbean  
**ESCAP** Economic and Social Commission for Asia and the Pacific  
**ESCWA** Economic and Social Commission for Western Asia

**Other Bodies**  
Committee for Development Policy  
Committee of Experts on Public Administration  
Committee on Non-Governmental Organizations  
Permanent Forum on Indigenous Issues  
United Nations Group of Experts on Geographical Names  
Other sessional and standing committees and expert, ad hoc and related bodies

**Departments and Offices**  
**EOSG** Executive Office of the Secretary-General  
**DESA** Department of Economic and Social Affairs  
**DfS** Department of Field Support  
**DGACM** Department for General Assembly and Conference Management  
**DM** Department of Management

**DPA** Department of Political Affairs  
**DPI** Department of Public Information  
**DPKO** Department of Peacekeeping Operations  
**DSS** Department of Safety and Security  
**OCHA** Office for the Coordination of Humanitarian Affairs  
**OHCHR** Office of the United Nations High Commissioner for Human Rights

**OIOS** Office of Internal Oversight Services  
**OLA** Office of Legal Affairs  
**OSAA** Office of the Special Adviser on Africa  
**SRSG/CAAC** Office of the Special Representative of the Secretary-General for Children and Armed Conflict  
**SRSG/SVC** Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict

**UNODA** Office for Disarmament Affairs  
**UNOG** United Nations Office at Geneva  
**UN-OHRLS** Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States  
**UNON** United Nations Office at Nairobi  
**UNOV** United Nations Office at Vienna

**UN-HABITAT** United Nations Human Settlements Programme  
**UNHCR** Office of the United Nations High Commissioner for Refugees  
**UNICEF** United Nations Children's Fund  
**UNODC** United Nations Office on Drugs and Crime  
**UNRWA<sup>2</sup>** United Nations Relief and Works Agency for Palestine Refugees in the Near East  
**UN-Women** United Nations Entity for Gender Equality and the Empowerment of Women  
**WFP** World Food Programme

**UNITAR** United Nations Institute for Training and Research  
**UNRISD** United Nations Research Institute for Social Development  
**UNSSC** United Nations System Staff College  
**UNU** United Nations University  
**Other Entities**  
**UNAIDS** Joint United Nations Programme on HIV/AIDS  
**UNISDR** United Nations International Strategy for Disaster Reduction  
**UNOPS** United Nations Office for Project Services

**Research and Training Institutes**  
**UNICRI** United Nations Interregional Crime and Justice Research Institute  
**UNIDIR<sup>2</sup>** United Nations Institute for Disarmament Research

**Related Organizations**  
**CTBTO Preparatory Commission** Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization  
**IAEA<sup>1,3</sup>** International Atomic Energy Agency  
**OPCW** Organisation for the Prohibition of Chemical Weapons  
**WTO<sup>1,4</sup>** World Trade Organization

**Specialized Agencies<sup>1,5</sup>**  
**FAO** Food and Agriculture Organization of the United Nations  
**ICAO** International Civil Aviation Organization  
**IFAD** International Fund for Agricultural Development  
**ILO** International Labour Organization  
**IMF** International Monetary Fund  
**IMO** International Maritime Organization  
**ITU** International Telecommunication Union  
**UNESCO** United Nations Educational, Scientific and Cultural Organization  
**UNIDO** United Nations Industrial Development Organization

**UNWTO** World Tourism Organization  
**UPU** Universal Postal Union  
**WHO** World Health Organization  
**WIPO** World Intellectual Property Organization  
**WMO** World Meteorological Organization  
**World Bank Group**  
 • **IBRD** International Bank for Reconstruction and Development  
 • **ICSID** International Centre for Settlement of Investment Disputes  
 • **IDA** International Development Association  
 • **IFC** International Finance Corporation  
 • **MIGA** Multilateral Investment Guarantee Agency

**Notes:**  
<sup>1</sup> The United Nations, its Funds and Programmes, the Specialized Agencies, IAEA and WTO are all members of the United Nations System Chief Executives Board for Coordination (CEB).  
<sup>2</sup> UNRWA and UNIDIR report only to the General Assembly (GA).  
<sup>3</sup> IAEA reports to the Security Council and the GA.  
<sup>4</sup> WTO has no reporting obligation to the GA, but contributes on an ad hoc basis to GA and Economic and Social Council (ECOSOC) work on, inter alia, finance and development issues.  
<sup>5</sup> Specialized Agencies are autonomous organizations whose work is coordinated through ECOSOC (intergovernmental level) and CEB (inter-secretariat level).  
<sup>6</sup> The Trusteeship Council suspended operation on 1 November 1994, as on 1 October 1994 Palau, the last United Nations Trust Territory, became independent.  
 This is not an official document of the United Nations, nor is it intended to be all inclusive.



Fifty-ninth session  
Agenda items 45 and 55

Integrated and coordinated implementation of and follow-up  
to the outcomes of the major United Nations conferences and  
summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

## In larger freedom: towards development, security and human rights for all

Report of the Secretary-General

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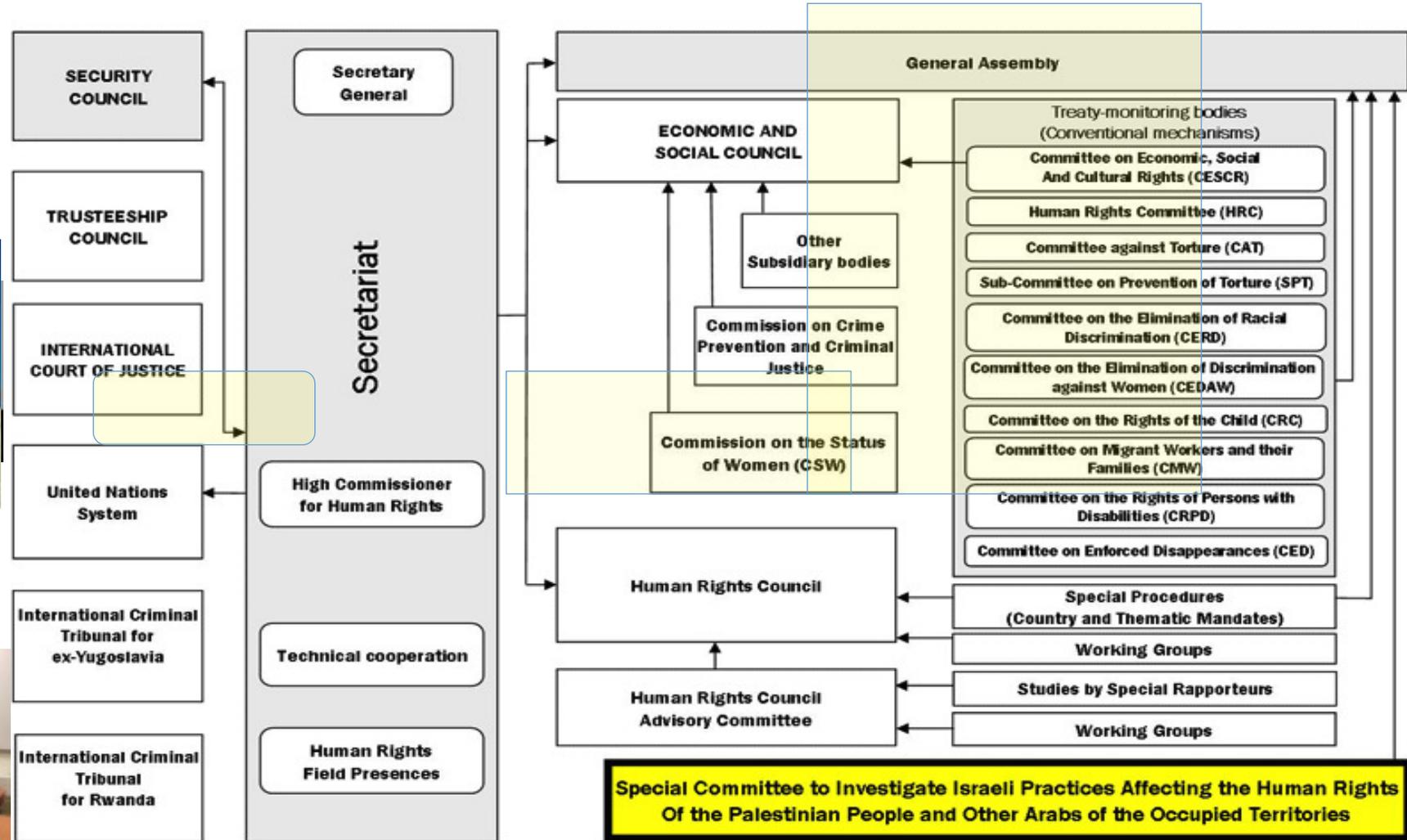
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# Structure of the United Nations Human Rights System

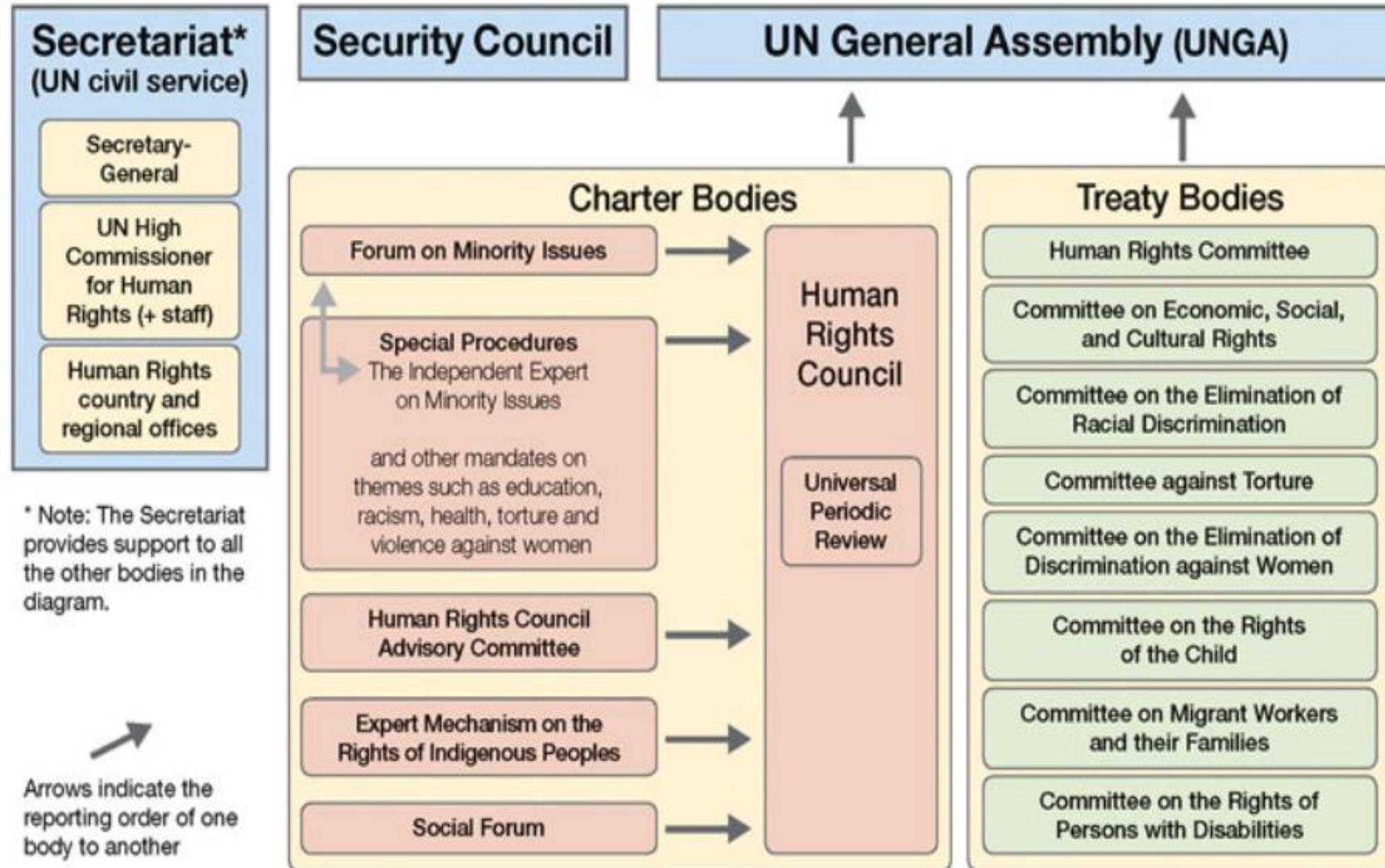
"This diagram, which is not exhaustive, is intended to describe the functioning of the United Nations system in the field of human rights. Emphasis is given to those bodies and programmes with major human rights responsibilities."

SOURCE: UN WEBSITE ([www2.ohchr.org/english/chart.pdf](http://www2.ohchr.org/english/chart.pdf) - 2007 - 10 - 22) [Ed. Note: Updated 2012, highlight added]



# Structure of the UN Human Rights Bodies and Mechanisms

Note: This diagram is not exhaustive. It highlights the major human rights bodies and mechanisms which are covered in this training.



# The UN Human Rights System works as a constant dynamics between ...

## Standards

- Universal Declaration
- Conventions / Treaties
- Resolutions
- Reports
- Observations / Advice  
/ Recommendations / *General Comments*
- Human rights law

## Mechanisms

- Human Rights Council
- Universal Periodic Review
- Treaty bodies /  
Expert committees
- Special procedures /Independent  
experts
- Complaint procedures
- Human rights courts

# ***O Sistema de Direitos Humanos das Nações Unidas funciona como uma dinâmica constante entre...***

## ***Normas***

- *A Declaração Universal*
- *Convenções / Tratados*
- *Resoluções*
- *Relatórios*
- *Observações/ Conselhos*  
*Recomendações/Comentários Gerais*
- *Direitos Humanos*

## ***Mecanismos***

- *O Conselho de Direitos Humanos*
- *Revisão Periódica Universal*
- *Órgãos de tratados/ Comitês de peritos*
- *Procedimentos especiais /peritos independentes*
- *Processos de queixas*
- *Tribunais de direitos humanos*

# Standards ...

## Normas ...



The Universal Declaration of Human Rights, 1948.

*A Declaração Universal dos Direitos Humanos, 1948.*

# Mechanisms ...

## Mecanismos ...



Palais de Nation, Room XX in Geneva. This is the home of the United Nations and Human Rights Council.

*Sala XX da ONU em Genebra. Esta é a casa das Nações Unidas e do Conselho de Direitos Humanos.*

# The charter-based bodies

## *Os órgãos baseados em Cartas*

- The Human Rights Council
- *O Conselho dos Direitos Humanos*
- The Complaint Procedure of the HR Council
- *O procedimento das queixas do Conselho de DH*
- The Special Procedures of the HR Council
- *Os procedimentos especiais do Conselho de DH*
- The Universal Periodic Review (UPR)
- *A Revisão Periódica Universal (RPU)*

# UN Human Rights Council

## *O Conselho de Direitos Humanos da ONU*

- The Human Rights Council is made up of 47 United Nations member states, which are elected by the UN General Assembly.
- *O Conselho de Direitos Humanos é composto por 47 membros dos Estados membros da ONU que são eleitos pela Assembleia Geral da ONU.*
- Each member state of the council is elected for three years.
- *Cada membro do Conselho é eleito por três anos.*
- Members are chosen from different countries.
- *Os membros escolhidos são de diferentes países.*

# Complaint Procedure

## *Procedimento de queixa*

- Allows individuals and organizations to bring human rights violations to the attention of the Council.
- *Permite que indivíduos e organizações tragam ao conhecimento do Conselho as violações de direitos humanos.*
- Was established in 2007.
- *Foi estabelecido em 2007.*
- *Hand-out*

# Special Procedures

## *Procedimentos Especiais*

- Made up of special rapporteurs, special representatives, independent experts and working groups.
  - *Composto por relatores especiais, representantes especiais, peritos independentes e grupos de trabalho.*
- All of these monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.
  - *Todos eles monitorizam, analisam, aconselham e relatam publicamente as questões temáticas ou a situação dos direitos humanos em países específicos.*
- *Hand-out*

# Universal Periodic Review

## *Revisão Periódica Universal*

- States, including Angola, have to submit reports on the human rights situation in the country.
- *Os Estados, inclusivé Angola, têm que submeter relatórios sobre a situação de direitos humanos no país.*
- The UPR reviews these reports and comments on the situation, giving direction on what changes needs to be made.
- *A RPU avalia esses relatórios e faz comentários sobre a situação, dando orientações naquilo que precisa de mudanças.*

# UPR – What are the reviews based on?

## RPU - As revisões são baseadas em quê?

The documents on which the reviews are based are:

Os documentos nos quais as revisões se baseiam são:

- Information provided by the State under review, which can take the form of a “national report”
- Informações fornecidas pelo Estado em análise, que podem assumir a forma de um “relatório nacional”
- Information contained in the reports of independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities
- Informações contidas nos relatórios de especialistas e grupos independentes de direitos humanos, conhecidos como Procedimentos Especiais, órgãos de tratados de direitos humanos e outras entidades da ONU.
- Information from other stakeholders including National Human Rights Institutions and non-governmental organizations (NGOs)
- Informações de outras partes interessadas, incluindo Instituições Nacionais de Direitos Humanos e organizações não-governamentais (ONGs)

# The nine key international human rights treaties

1. International Covenant on Civil and Political Rights (1966\*)
2. International Covenant on Economic, Social and Cultural Rights (1966)
3. Convention on the Elimination of All Forms of Racial Discrimination (1965)
4. Convention on the Elimination of All Forms of Discrimination Against Women(1979)
5. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
6. Convention on the Rights of the Child (1989)
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
8. Convention on the Rights of Persons with Disabilities (2006)
9. International Convention for the Protection of all Persons from Enforced Disappearance (2006)

Convention relating to the Status of Refugees (1950)

# Os nove tratados fundamentais de direitos humanos

1. *O Pacto Internacional de Direitos Económicos, Sociais e Culturais(1966)\**
2. *O Pacto Internacional sobre os Direitos Cíveis e Políticos (1966)*
3. *A Convenção Internacional sobre a eliminação de todas as formas de discriminação racial (1965)*
4. *A Convenção sobre a Eliminação de Todas as Formas de Discriminação contra as Mulheres (1979)*
5. *A Convenção contra a Tortura e Outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes (1984)*
6. *A Convenção sobre os Direitos da Criança (1989)*
7. *A Convenção Internacional sobre a Protecção dos Direitos de todos os Trabalhadores Migrantes e dos Membros das suas famílias (1990)*
8. *A Convenção sobre os direitos das pessoas com deficiência (2006)*
9. *A Convenção Internacional para a Protecção de todas as Pessoas contra o Desaparecimento Forçado (2006)*

*Também: A Convenção relativa ao Estatuto dos Refugiados (1950)*

*\*= ano de adopção*

## **The nine treaty-bodies (expert committees)**

**One for each core human rights treaty**

1. Human Rights Committee
2. Committee Against Torture
3. Committee on the Elimination of Discrimination Against Women
4. Committee on the Elimination of Racial Discrimination
5. Committee on Economic, Social and Cultural Rights
6. Committee on the Rights of the Child
7. Committee on Migrant Workers
8. Committee on the Rights of Persons with Disabilities
9. Committee on Enforced Disappearances

## ***Os nove órgãos dos Tratados (comités de peritos): Um para cada tratado fundamental de direitos humanos***

*1.Comité dos Direitos Humanos*

*2.Comité contra a Tortura*

*3.Comité para a Eliminação de Discriminação Contra as Mulheres*

*4.Comité para a Eliminação de Discriminação Racial*

*5.Comité dos Direitos Económicos, Sociais e Culturais*

*6.Comité dos Direitos da Criança*

*7.Comité para os Trabalhadores Migrantes*

*8.Comité para os Direitos das Pessoas com Deficiência*

*9.Comité sobre os Desaparecimentos Forçados*

# Break-out Session

## Sessão prática

### Group 1

#### Grupo 1

Angola has shown positive acceptance of the UN human rights system. Angola is party to several UN conventions and optional protocols.

- Go to the list of conventions that Angola has not ratified, consider why this is the case.
- Try also to come up with a list for which conventions to join next, if any and why.

Angola tem demonstrado aceitação positiva ao sistema de direitos humanos da ONU. Angola é parte de várias convenções e protocolos adicionais da ONU.

- *Vá à lista de convenções que Angola não ratificou, analise porque isso não aconteceu.*
- *Tente também analisar na lista de convenções quais Angola deve aderir e porquê.*

# Break-out Session

## Sessão prática

### Group 2

### Grupo 2

Look at the list of treaties that Angola has become party to and discuss how taking part in the UN human rights system by signing these treaties might have helped improve human rights in Angola. If you don't think it has helped discuss why.

*Olhe a lista de tratados de que Angola se tornou parte e discuta se a adesão ao sistema de direitos da ONU, ao assinar tais tratados, ajudou a melhorar os direitos humanos em Angola. Se não acha que ajudou, explique porquê.*