



UiO : **Faculty of Law**
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The UN Human Rights System
O Sistema de Direitos Humanos das Nações Unidas

Oslo Diploma Course in Human Rights
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Outline

- 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 é que o sistema funciona: padrões mínimos e mecanismos*
- Charter and Treaty Bodies
 - *A Carta e Órgãos dos Tratados*

What has the world done to help protect the rights of all people?

O que é que o mundo tem feito para ajudar a proteger os direitos de todos?

- They have created UN mechanisms for change
- *Criaram-se os mecanismos da ONU para mudança*





The United Nations System

UN Principal Organs

- General Assembly
- Security Council
- Economic and Social Council
- Secretariat
- International Court of Justice
- Trusteeship Council⁶

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

Funds and Programmes¹
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
ESCSWA 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

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
UNRWA² 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

Research and Training Institutes
UNICRI United Nations Interregional Crime and Justice Research Institute
UNIDIR² United Nations Institute for Disarmament Research

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

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

Specialized Agencies^{1,5}
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

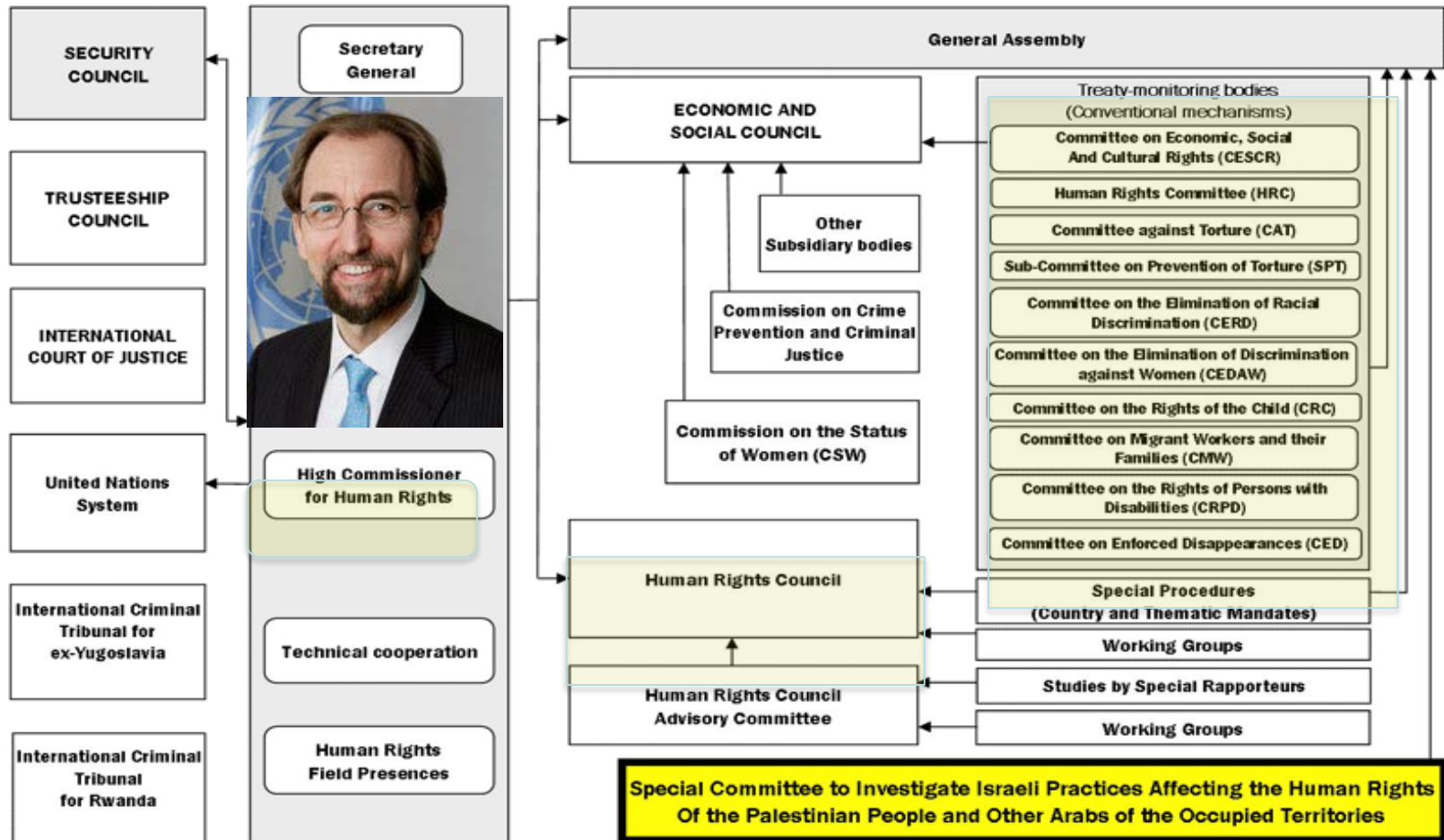
UNODAC Office for Disarmament Affairs
UNOG United Nations Office at Geneva
UN-OHRLS Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNON United Nations Office at Nairobi
UNOV United Nations Office at Vienna

Notes:
¹ 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).
² UNRWA and UNIDIR report only to the General Assembly (GA).
³ IAEA reports to the Security Council and the GA.
⁴ 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.
⁵ Specialized Agencies are autonomous organizations whose work is coordinated through ECOSOC (intergovernmental level) and CEB (inter-secretariat level).
⁶ 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.

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 - 2007 - 10 - 22) [Ed. Note: Updated 2012, highlight added]



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

Standards

- Universal Declaration of Human Rights 1948
- Conventions / Treaties
- Resolutions
- Reports
- Observations / Advice / Recommendations
- Human rights law

Mechanisms

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

O Sistema de Direitos Humanos das Nações Unidas funciona com uma dinâmica constante entre

Normas

- *A Declaração Universal de 1948*
- *Convenções / Tratados*
- *Resoluções*
- *Relatórios*
- *Observações/ Conselhos /Recomendações*
- *Lei dos Direitos Humanos*

Mecanismos

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

Standards ... Normas ...

Mechanisms ... Mecanismos ...



THE UNIVERSAL DECLARATION OF Human Rights

ARTICLE 1 recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

ARTICLE 2 disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

ARTICLE 3 it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

ARTICLE 4 it is essential to promote the development of friendly relations among nations.

ARTICLE 5 the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom.

ARTICLE 6 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.

ARTICLE 7 a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

ARTICLE 8 no one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 9 this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

- 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- 2. Everyone has the right to life, liberty and security of person.
- 3. Everyone has the right to life, liberty and security of person.
- 4. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- 5. Everyone has the right to recognition as a person before the law.
- 6. Everyone has the right to life, liberty and security of person. No one shall be subjected to arbitrary arrest, detention or exile.
- 7. Everyone has the right to life, liberty and security of person. No one shall be subjected to arbitrary arrest, detention or exile.
- 8. Everyone has the right to life, liberty and security of person. No one shall be subjected to arbitrary arrest, detention or exile.
- 9. No one shall be subjected to arbitrary arrest, detention or exile.
- 10. Everyone has the right to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.
- 11. Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to the law. All are equal before the law.
- 12. No one shall be subjected to arbitrary interference with his private life, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- 13. Everyone has the right to free movement and residence within the borders of each country.
- 14. Everyone has the right to leave any country, including his own, and to return to his country.
- 15. Everyone has the right to a nationality.
- 16. Everyone has the right to marry and to found a family, which is the basis of the peace and well-being of society.
- 17. Everyone has the right to own property alone as well as in association with others.
- 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief.
- 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without restriction and to receive and impart information and ideas without regard to frontiers, national territory, language or religion.
- 20. Everyone has the right to peaceful assembly and association.
- 21. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 22. Everyone has the right to equal access to public service in his country.
- 23. The will of the people shall be the basis of the authority of government; this will shall be exercised through freely chosen representatives.
- 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
- 25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in old age. Everyone has the right to education.
- 26. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 27. Everyone has the right to the highest attainable standard of physical and mental health.
- 28. Everyone has the right to a social order which makes possible the fulfilment of these rights.
- 29. Everyone has the right to the peaceful enjoyment of his possessions. No one shall be arbitrarily deprived of his possessions.
- 30. Nothing in this Declaration may be interpreted as to imply any right to recognition, status or title.



The UN Assembly Hall in Geneva. This is the home of the United Nations and Human Rights Council.

A Assembleia da ONU em Genebra. Esta é a casa das Nações Unidas e do Conselho de Direitos Humanos.



The Universal Declaration of Human Rights, 1948.

A Declaração Universal dos Direitos Humanos, 1948.



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 de queixas do Conselho de DH*
- **The Special Procedures of the HR Council**
 - *Os procedimentos especiais do Conselho de DH*

UN Human Rights Council

O Conselho de Direitos Humanos

- 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 Estados Membros da ONU, que são eleitos pela Assembleia Geral da ONU*
- Each member state of the council is elected for three years
 - *Cada Estado 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*
- Established in 2007
 - *Foi estabelecido em 2007*

Special Procedures

Procedimentos Especiais

- Made up of approx. 80 special rapporteurs (special representatives, independent experts and working groups)
 - *Composto por aproximadamente 80 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*
- *Gender balance in special procedures*
- *Equilíbrio de género em procedimentos especiais*

Universal Periodic Review

Revisão Periódica Universal

- States, including Angola, have to submit reports on the human rights situation in the country.
- *Os Estados, inclusive 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 comenta sobre a situação em questão, dando orientações naquilo que precisa de mudanças.*

The nine core international human rights treaties

Os nove principais tratados internacionais de direitos humanos

- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- *O Pacto Internacional sobre os Direitos Civis e Políticos (1966)*
- *O Pacto Internacional de Direitos Económicos, Sociais e Culturais (1966)*
- *A Convenção sobre a Eliminação de Todas as Formas de Discriminação Racial (1965)*
- *A Convenção sobre a Eliminação de Todas as Formas de Discriminação contra as Mulheres (1979)*

The nine core international human rights treaties

Os nove principais tratados internacionais de direitos humanos

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- *A Convenção contra a Tortura e Outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes (1984)*
- Convention on the Rights of the Child (1989)
- *A Convenção sobre os Direitos da Criança (1989)*
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- *A Convenção Internacional sobre a Proteção dos Direitos de todos os Trabalhadores Migrantes e dos Membros das suas famílias (1990)*

The nine core international human rights treaties

Os nove principais tratados internacionais de direitos humanos

- Convention on the Rights of Persons with Disabilities (2006)
- International Convention for the Protection of all Persons from Enforced Disappearance (2006)
- *A Convenção sobre os Direitos das Pessoas com Deficiência (2006)*
- *A Convenção Internacional para a Protecção de todas as Pessoas contra o Desaparecimento Forçado (2006)*

Also: Convention relating to the Status of Refugees (1950)

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

The nine treaty-bodies (expert committees): one for each human rights treaty

- Human Rights Committee
- Committee on Economic, Social and Cultural Rights
- Committee Against Torture
- Committee on the Elimination of Discrimination Against Women
- Committee on the Elimination of Racial Discrimination
- Committee on the Rights of the Child
- Committee on Migrant Workers
- Committee on the Rights of Persons with Disabilities
- Committee on Enforced Disappearances

Os nove órgãos baseados em Tratados (comissões de peritos): Um para cada tratado de direitos humanos

- *Comité dos Direitos Humanos*
- *Comité de Direitos Económicos, Sociais e Culturais*
- *Comité para a Prevenção da Tortura*
- *Comité para a Eliminação de Discriminação Contra as Mulheres*
- *Comité para a Eliminação de Discriminação Racial*
- *Comité dos Direitos Económicos, Sociais e Culturais*
- *Comité dos Direitos da Criança*
- *Comité para os Trabalhadores Imigrantes*
- *Comité para os Direitos das Pessoas com Deficiências*
- *Comité sobre os Desaparecimentos Forçados*

Break-out Session

- **Group 1:** Angola has shown positive acceptance of the UN human rights system. Angola is party to several UN conventions and optional protocols.
 - If you go back 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.
- **Grupo 1:** Angola tem demonstrado aceitação positiva ao sistema de direitos humanos da ONU. Angola é parte de várias convenções e protocolos adicionais da ONU.
 - *Se voltar à lista de convenções que Angola não ratificou, analise porque é que isso não ocorreu.*
 - *Tente também analisar na lista quais as convenções a aderir em seguida, se há alguma e porquê.*

Break-out Session

Group 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.

Grupo 2: *Veja a lista de tratados de que Angola se tornou parte e discuta como aderir ao sistema de direitos humanos da ONU, ao assinar tais tratados, deve ter ajudado a melhorar os direitos humanos em Angola. Se não acha que ajudou, discuta porquê.*

Home page of the UN Human Rights/Office of the High Commissioner for human rights:

Home page dos Direitos Humanos da ONU/Gabinete do Alto Comissariado para os direitos humanos:

www.ohchr.org