**Human Rights – Protection of Human Rights**

**Human rights protection system**

Human rights protection on international level is implemented in three stages:

* In declarations – they have recommendatory character for the member states;
* In international resolutions, treaties, pacts, conventions – their character is mandatory for those member states who ratified them;
* Establishment of international organs – they inspect the abidance of human rights, the implementation of state laws, they take coercive measures in case of need, etc.

**Global level of human rights protection:**

* **United Nations**

Established: 24 October 1945

Member states: 193

Headquarters: New York, USA

Official web page: http://www.un.org

**Goals of the UN:** preserve the international peace and security, prevention from a nuclear catastrophe; development of mutual friendly relations and cooperation; providing humanitarian and developing help.

**Measures for keeping the peace:**

* **resolution** – decision of the Security Council in case of military aggression or non-democratic regimes;
* **embargo** - blockade – ban on export of the military potential, strategic materials to countries against which it was issued;
* **sanctions** – banning measures – are used in form of economic isolation from other countries;
* **boycott** - rejection – temporary membership suspension in international organizations and political isolation from other states, or interrupted diplomatic contact.

**History of the UN establishment:**

* 1941 – Atlantic Charter – basic agreement of anti-Hitler coalition; the USA and Great Britain;
* 1942 – Declaration by United Nations - other 26 states fighting against Hitler joined;
* 1943 – Four Power Declaration on General Security – decision upon an international organization; In Moscow the document was signed by the representatives of the USA, USSR and Great Britain;
* 1943 - Teheran Declaration – the principles of the UN establishment were formulated;
* 1945 – Conference at Yalta – completed the preparation process of UN establishment;
* 1945 - San Francisco – ratification of the Charter of the United Nations.

**Principal organs of the UN:**

**General Assembly –** it is the main consultative body that is composed of representatives of all member states where everyone has one vote. All important decisions are accepted by two-third majority. All other issues are decided with absolute majority.

The items on the agenda are discussed in six committees:

* Economic and Financial (ECOFIN);
* Social, Cultural, and Humanitarian (SOCHUM);
* Special Political and Decolonisation (SPECPOL);
* Disarmament and International Security (DISEC);
* Administrative and Budgetary and general;
* Legal.

 **UN Security Council** – is the highest executive body the responsibility of which is to maintain international peace and security. It has 15 members: 5 permanent members (the USA, the United Kingdom of Great Britain and Northern Ireland, France, Russia, and the People's Republic of China) and 10 non-permanent members that are elected to serve a term of two years.

**Economic and Financial Committee (ECOFIN)** – it is the body for coordination of economic and social activities of the UN and its associated expert organizations and institutions. It has 54 members who are divided accordingly to: 14 African states, 11 Asian states, 10 Latin-American and Caribbean states, 13 Western European states and 6 Eastern European states.

Its assemblies take place every two months alternatively in New York and Geneva. The decisions are made by absolute majority, each member having one vote. The committee serves as a forum for discussion about international economic, social, cultural, educational, and medical issues of global or interdisciplinary character.

**Trusteeship Council** – is the UN organ that supervised the observance of the trusteeship on the trust territories under the UN administration. The aims of the trusteeship have already been fulfilled due to the fact that all trust territories reached their independence in the form of new states or by connecting their territories to neighbouring independent states. It has not been formally ended but since 1 November 1994 (after Palau attained independence) it has been inactive. The members of the Trusteeship Council are the permanent members of the UN Security Council.

**International Court of Justice in Haag** – is the UN international court of justice body with worldwide jurisdiction. It consists of a panel of 15 judges elected by the UN General Assembly in separate elections for the time of nine years. No more than one judge of each nationality may be represented on court at the same time. The election of the judges takes place every three years when 1/3 of the judges are elected. None of the judges can be re-elected. To be successful in elections, the judge must get the absolute majority of the UN General Assembly and the Security Council´s votes. The activity of the court follows the Statute that forms a part of the UN Charter. It settles the disputes between the states in accordance with international law and gives advisory opinions on international legal issues at the request of the UN Security Council or the General Assembly. The litigants in the lawsuits can only be states.

**UN Secretariat -**  is the UN executive arm. The head of the secretariat is the Secretary-General who is appointed by the General Assembly recommended by the UN Security Council for a five-year term of office. He or she is authorized by the UN Charter to draw the Security Council's attention to any matter that, in his or her opinion, threatens international peace and security. Apart from that he or she carries out all other tasks entrusted to him or her by the General Assembly, Security Council, Economic and Financial Committee, and Trusteeship Council. Every year the Secretary-General issues the annual report in which they evaluate the UN's work and put suggestions for future priorities. The mandate of the secretariat is wide, from operating the peacekeeping missions to mediation in international lawsuits. The secretariat is the main source of economic, social and political analysis; it prepares studies to issues such as human rights, sustainable development; organizes international conferences about global problems, follows the extent of UN resolutions fulfilment and informs the mass media about the organization activities.

**Other UN organizations:**

**UNICEF** (United Nations Children's Emergency Fund), was established by the UN in 1946 to help and provide relief to children after WWII. When Europe emerged from the horrors of WWII, in 1953 the Secretary-General extended the UNICEF mandate to address the long-term needs of children and women in developing countries. Its activities rely entirely on voluntary contributions of member states (substantial part of the financial sources), from donations of non-governmental organizations and other independent subjects. Not negligible incomes are the proceeds from the sale of merchandise with the symbol of UNICEF (postcards, calendars, toys, bags, etc.), that is organized by UNICEF through 37 national committees for cooperation with UNICEF in developed countries.

**UNESCO** (United Nations Educational, Scientific and Cultural Organization) is an international organization of the UN system that has the mandate for the development of world community development, its culture, science, and education. It stood at the creation of the European Council for Nuclear Research or International Centre for Conservation Studies and Monuments Restoration. It helped to form intergovernmental programmes in the field of hydrology, oceanography, geology and environment. Under the auspices of UNESCO many international conventions were made on copyrights, cultural sites protection, etc.

**WHO -** (World Health Organization) is a specialized organization of the UN. Through WHO the health workers of 192 countries worldwide exchange their knowledge and experiences. The headquarters in Geneva directs and coordinates the activities of 6 regional offices which operate globally.

**UNEP** – the United National Environment Programme;

**ILO** – International Labour Organization;

**UN Peace Corps** – army unit (blue barrettes) – their task is to maintain peace in unstable areas, stabilization of relations after war conflicts (peace missions).

**Regional level of human rights protection:**

* **European Council (1949)**

The primary document is the European Convention of Human Rights and Fundamental Freedoms (4 November 1950, Rome).

* **European Court of Human Rights (Strasbourg)** – enables the member states to raise complaints against other member states or that of an individual against a member state.
* **European Court of Justice (Luxembourg)** – secures the right interpretation and application of the articles of the EU contracts.
* **European Ombudsman** – it is the person that accepts the complaints of any kind that belongs to the scope of EU activities directly from any citizen of the EU or through a member of parliament.

**Domestic system of human rights protection:**

* **Controlling mechanisms of political power** – police, prosecutor's office, the judiciary = protect the lawfulness.
* **Public Protector – ombudsman** – higher public servant, public protector that cares for the human rights protection helps to settle complaints of citizens and gives them advice.

The same person can be elected the ombudsman for the maximum of two following terms of office.

**The process in case of the human rights violation:**

* The citizen first turns to the organs of domestic human rights protection.
* When all of the domestic measures have been exhausted they can address the international European or international judicial authorities with their complaint.