



## EVOLUTION REGIONAL HUMAN RIGHTS INSTITUTIONS

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### Introduction

International human rights instruments can be divided into regional instruments, to which any state in the world can be a party, and regional instruments, which are restricted to states in a particular region of the world. Regional human rights regimes are relatively independently logical human rights sub-regimes, which are nested within the larger frame work of International human rights practice. If one's rights are not protected on the domestic level, the international system comes into play, and protection can be provided by the global or the regional system. The treaties create the regional human rights institutions.

Regional human rights mechanisms offer many advantages. First, governments have a strong incentive to promote and protect human rights within their region, as severe violations of people's rights can lead to conflicts and destabilize neighboring countries. Moreover, countries within the same region often share similar cultural traditions and political histories; thus governments may find it easier to reach consensus on the content of rights and to endow a regional court with meaningful enforcement powers. The United Nations has long encouraged the development of regional human rights treaties, commissions, and courts. It is important, however, that regional mechanisms complement the U.N. human rights system and do not detract from the obligations that states have already undertaken when they ratified the core international human rights treaties. It is appropriate to explore the evolution of regional human rights institutions.

Recognition

**United Nations Charter's eighth chapter deals with regional arrangements. The details as follows:**

### Article 52

1. Nothing in the present Charter the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

### Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

### Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security<sup>ii</sup>. The articles 52 to 54 are strengthening the regional arrangements for promotion and protection of human rights also.

Just as the Covenant in Article in 21 authorized the Member of the League of Nations to enter 'regional arrangements' for securing the maintenance of the peace. Like the League of Nations, the United Nations does not claim to be the only and exclusive organization of its Members for the maintenance of the peace. For this purpose the state, Members of United Nations, are authorized by the Charter to establish regional organizations which may work as the organs of the total organizations<sup>iii</sup>. Many regional organizations were established to promote and protect the human rights.



### **European Court of Human Rights**

The European Convention on Human Rights has played an important role in the development and awareness of Human Rights in Europe. The development of a regional system of human rights protection operating across Europe can be seen as a direct response to twin concerns. First, in the aftermath of the Second World War, the convention, drawing on the inspiration of the Universal Declaration of Human Rights can be seen as part of a wider response of the Allied Powers in delivering a human rights agenda through which it was believed that the most serious human rights violations which had occurred during the Second World War could be avoided in the futureiv.

The European Convention on Human Rights, which was opened for signature in Rome on 4 November, 1950 and entered into force on 3 September 1953, is the Council of Europe's crowning achievementv. The Convention originally created both a European Commission and a European Court of Human Rights.

The European Court of Human Rights is an international court set up in 1959. It rules on individual or state applications alleging violations of the civil and political rights set out in the European Convention on Human Rights. Since 1998 it has sat as a full-time court and individuals can apply to it directly. In almost fifty years the Court has delivered more than 10,000 judgments. These are binding on the countries concerned and have led governments to alter their legislation and administrative practice in a wide range of areas. The Court's case-law makes the Convention a powerful living instrument for meeting new challenges and consolidating the rule of law and democracy in Europe. The Court is based in Strasbourg, in the Human Rights Building designed by the British architect Lord Richard Rogers in 1994 – a building whose image is known worldwide. From here, the Court monitors respect for the human rights of 800 million Europeans in the 47 Council of Europe member States that have ratified the Conventionvi.

### **African Commission on Human and Peoples' Rights**

The African Charter on Human and Peoples' Rights is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the African continent. Oversight and interpretation of the Charter is the task of the African Commission on Human and Peoples' Rights, which was set up in 1987 and is now headquartered in Banjul, Gambia. A protocol to the Charter was subsequently adopted in 1998 whereby an African Court on Human and Peoples' Rights was to be created. The protocol came into effect on 25 January 2005vii.

The African Charter established the African Commission on Human and Peoples' Rights. The Commission was inaugurated on 2 November 1987 in Addis Ababa, Ethiopia. The Commission's Secretariat has subsequently been located in Banjul, The Gambia.

In addition to performing any other tasks which may be entrusted to it by the Assembly of Heads of State and Government, the Commission is officially charged with three major functions:

- The protection of human and peoples' rights
- The promotion of human and peoples' rights
- The interpretation of the African Charter on Human and Peoples' Rightsviii.

### **Inter-American Commission on Human Rights**

The American Convention on Human Rights, also known as the Pact of San José, is an international human rights instrument. It was adopted by many countries in the Western Hemisphere in San José, Costa Rica, on 22 November 1969. It came into force after the eleventh instrument of was deposited on 18 July 1978. The bodies responsible for overseeing compliance with the Convention are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, both of which are organs of the Organization of American Statesix.

The Inter-American Commission on Human Rights (IACHR) was created by a resolution of the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago, Chile, in 1959. It was formally established in 1960 when the Permanent Council of the Organization approved its Statute. Its Rules of Procedure, first adopted in 1980, were amended several times thereafter, most recently in 2013. The IACHR is one of the two organs of the inter-American system entrusted with promoting and protecting human rights. Its seven members are elected by the General Assembly and serve in an individual capacity. They have four-year terms and may be re-elected only oncesix.

### **Arab Commission on Human Rights**

The League of Arab States founded in March, 1945. The idea of establishing an Arab Commission on Human Rights was mooted at an International Conference on Human Rights in Tehran in April-May, 1968, which was held under the auspices of



the Economic and Social Council of United Nations and attended, amongst others, by the member-countries of Arab League. The final decision to establish Arab Commission on Human Rights and to organize an Arab Regional Conference on Human Rights was taken in Beirut in December 1968 as parts of its contribution to International Human Rights year.xi.

The Arab Regional Commission on Human Rights consists of the member states of the Arab League. Each Member of the league is represented in the Commission. The Council of League appoints a Chairman for the Commission for a period of two years. The term of the office may be renewed. The permanent seat of the Commission is a Cairo. The function of the Commission includes the preparation and submission of draft agreements to the League Council. It may also set up sub-committees to discharge its functions. The Commission at its second session of 1969 prepared a plan of action, which was adopted by the Council. It included the establishment of a National Commission on Human Rights in member States, receiving reports from member States on their respective activities for the protection of human rights and making recommendations thereon, and undertaking preparatory work for the proclamation of Arab Charter of Human Rights. The Commission also makes an annual communication about its activities to the U.N. Commission on Human Rights. Thus, its work is confined to the promotion of human rights than to protection of human rights.

It is significant to note that no attempt has been made yet by the League or by the Commission in the direction of establishing an Arab Regional Convention on Human Rights perhaps because they are preoccupied by the rights of Arabs living in Israeli occupied territories.

### **ASEAN Intergovernmental Commission on Human Rights**

In over four decades since its establishment, Association of South East Asian Nations (ASEAN) as an intergovernmental organization has always worked towards improving the lives of its citizens in its Member States, in the economic, political-security and socio-cultural aspect. To further ensure the wellbeing of the ASEAN people, ASEAN decided to have their own regional human rights body, which reflects ASEAN's strong commitment to the promotion and protection of human rights and fundamental freedomsxii.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was inaugurated in October 2009 as a consultative body of the Association of Southeast Asian Nations (ASEAN). The human rights commission exists to promote and protect human rights, and regional co-operation on human rights, in the member states (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam)xiii.

The purposes of the AICHR are: i. To promote and protect human rights and fundamental freedoms of the peoples of ASEAN; ii. To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity; iii. To contribute to the realization of the purposes of ASEAN as set out in the ASEAN Charter in order to promote stability and harmony in the region, friendship and cooperation among ASEAN member states, as well as the well-being, livelihood, welfare and participation of ASEAN peoples in the ASEAN Community building process; iv. To promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities; v. To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights; and vi. To uphold international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN member states are parties.xiv

### **Asia Pacific Forum for Human Rights**

The Asia Pacific Forum (APF) was formed at the first meeting of National Human Rights Institutions in the Asia Pacific region in 1996. The APF is an independent, non-profit organization with three main objectives: Strengthening the capacity of individual APF member institutions to enable them to more effectively undertake their national mandates; Assisting government and non-governmental organizations to establish national institutions in compliance with the Paris Principles; and Promoting regional co-operation on human rights issues.xv

The APF provides a framework for national human rights institutions to work together and cooperate on a regional basis through a wide range of services, including training, capacity building, networks and staff exchanges. APF has a strong record in developing programs that genuinely improve the human rights of individuals and vulnerable groups in the Asia Pacific. The APF provides practical and tailored support to its members to assist them to more effectively undertake their own human rights protection, monitoring, promotion and advocacy. The APF also provides support to governments and civil society groups.xvi



The APF's professional and thematic focal-point networks enable its members to share information and resources, develop co-operative partnerships and establish 'best practice' standards. At the international and regional level the APF plays an important role in coordinating the participation and collaboration of national human rights institutions in the United Nations, the International Coordinating Committee and other international and regional mechanisms.

Analysis

There is no doubt that the regional institutions are working for the promotion and protection of human rights. But, there is no uniformity in the structure and functions. It is the duty of United Nations to study the regional system of human rights institutions and establish regulations for the same. The United Nations has to proclaim regions and take steps to uniform regional human rights institutions. This will help to strengthen the regional arrangement on human rights.

Over the past half century, regional human rights intuitions and procedure have evolved to even greater extents than have substantive human rights guarantees<sup>vii</sup>. There is no uniformity in Regional Human Rights Declarations and instruments. Each and every regional has different type of organizational set up and functioning methodology. A uniform Regional Human Rights Institutional approach is needful one.

### Conclusion

This study makes an attempt to study the existing regional human rights institutions. The following steps are essential to promote and protect the regional human rights institutions all over the world.

The evolution of the Regional Human Rights Institutions and the concept of regional arrangement for the human rights is productive one.

The examination of the existing Regional Human Rights Institutions clearly indicates that they are functioning well for the promotion and protection of the human rights.

The examination of the existing Regional Human Rights Institutions clearly indicates that they are not having uniformity in the composition, powers and functions. The study identified that the United Nations has to divide world as many regions and has to take steps to establish uniform Regional Human Rights Institutions.

### Reference

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