

## Non-Judicial Mechanisms for Protection of Human Rights at the International Level

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### ABSTRACT

The emergence of human rights protections and sanctions returned to actions after world War II. International initiatives to develop and guarantee human rights in different ways and cooperation of the government reactions that has been experienced. Most of these methods rely on non-judicial mechanisms in general and in particular the European and US-based judicial mechanisms. The approach in the United Nations and its various organizations that collectively can be in the form of the Human Rights Council, Commission on the Status of Women, the UN High Commissioner for Human Rights, Committee on Civil and Political Rights, Committee of the economic, social and cultural committee rights racial Discrimination, the Committee against Torture, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, the working group enforced disappearances, arbitrary arrests, and the working group examined.

**KEY WORDS:** Human Rights. Protection, Non-Judicial Mechanisms

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### INTRODUCTION

Non-judicial methods of protecting human rights appear by the Human Rights Council, Human Rights Commission and human rights working group. Regarding councils can be named on the Human Rights Council that replaced the Human Rights Commission and is UN subsidiary. Human Rights Council as a forum for dialogue and cooperation on human rights serves. Its focus on helping member states of the United Nations to meet the needs of their human rights through dialogue, capacity building and technical assistance. The Council also recommended to the General Assembly for further development of international law on human rights offers. High Commissioner for Human Rights is as well as responsible for activities related to human rights in the UN. It is the highest authority on human rights and cooperate with the International Centre for Human Rights and offers advisory services, cooperation and technical assistance in response to demand from governments, regional organizations and others to support human rights. Human rights committees created to review country reports on human rights in various treaties and how to comply with the provisions of the deal and the committee of Member States of the Convention for the control and monitoring of the provisions of that. In addition, some worrying trends and violator of human rights in certain cases (such as enforced disappearances and arbitrary detentions), the Commission on Human Rights to the General Assembly efforts to set up regulatory bodies to cooperate with other topics as work groups.

#### Human Rights Council

Human Rights Council replaced the Commission on Human Rights in 2006, therefore, the first to describe this. One of the purposes of the Charter of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all and world respect for human. In this regard, the Economic and Social Council established the Commission responsible for various issues, including the promotion of human rights. The brick of the measures adopted by the Council under Title 5 of the Human Rights Commission established in 1946 that consists of 53 members based on personal merit and not on behalf of their respective Governments elected. In first meeting, commission took overs in charge of drafting the Universal Declaration of Human Rights in 1947 and in 1948, the text of which was approved by the General Assembly. The first twenty years time, the Commission focused on the consolidation of human rights standards and culminating in the ratification of the International Covenant on Human Rights in 1966. This mission by the Commission in 1967 to study the causes of permanent and continuous violations of Human Rights and pay and give the results to the economic and Social Council [1]. In order to monitor respect for human rights and the specific issues of particular groups for South Africa, Israel and Palestine, and Chile established a special rapporteur to investigate the human rights situation in various countries were the subject manner, violation of human rights. Several countries were assessed. Such as enforced disappearances, arbitrary arrests and violence against women that the main objectives of the questions put all governments on human rights was incomplete. Reports of the Special Rapporteur of the Commission may lead to a resolution in which the use of terms such as satisfaction, the concerns, condemning the violation of human rights. And then by asking with insistence and encouragement, offers precise and specific measures to tackle human rights violations in each field. This clearly shows that it can be through the use of a moral and political pressure and using the power of effective public opinion also states that the first Optional Protocol on Civil and Political Rights, accepted the Committee's competence to examine individual complaints have accepted and individuals have the right to complain to the Human Rights

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Committee. The committee having such jurisdiction have an important role in the protection of human rights [2]. The Commission in 1947 and by the Economic and Social Council with the promotion and protection of human rights sub-committee was formed as the Human Rights Commission has completed its tasks include: conducting research, especially with regard to the declaration of human rights and provide advice of the Commission on Human Rights in relation to the prevention of any type of discrimination in human rights. The commission has 26 experts based on the geographical distribution of the 6 working groups, which include the Working Group on Communications, the Working Group on new forms of slavery, the Working Group on Indigenous Peoples, and the Working Group on Minorities Working Group on the administration of justice and the Working Group on Multinationals. On 15 March 2006 the General Assembly resolution establishing the Human Rights Council to replace the Commission on important human rights adopted. Resolutions of the General Assembly to create the more valid and useful in the field of human rights at the United Nations was prepared. Now the question arises that what is the structure of the Human Rights Council? And what difference is it is for the Commission on Human Rights? As proposed, the main body in which governments are meeting to discuss human rights a full-fledged council whose members are elected by all members of the General Assembly. Its status will be reviewed within five years, which may become one of the principal organs of the United Nations like the Security Council or the Economic and Social Council whose members are elected by a two-thirds majority [3].

New Council compared to the Commission on Human Rights, instead of 53 members, have 47 members. Membership in the Human Rights Council of the United Nations is open to all members. General Assembly members through a direct vote by each of the individual countries and the majority of 96 votes is elected. Separate vote is provided for each candidate Any country that did not get supports of the majority of the 96 member states of the United Nations, not just the countries present at the time of voting, can not be elected as a council member and Therefore, the country should nominate another candidate. In contrast, members of the Human Rights Commission by the 54 member Economic and Social Council of the majority of the countries were chosen. Human Rights Council in elections held by secret ballot boxes to be. This means that countries not only because a rival candidate from their region, as it was implemented in the Commission, the Council does not reach [4].

Distribution of seats in the Council is based on the geographical presence: 13 seats for Africa, 13 seats for the Asian Group, 6 seats for Eastern European Group, 8 seats for Latin America and the Caribbean and 7 seats for Western Europe and other countries. Requirement for membership is limited to two consecutive terms for 3 years. New council members must be committed to the promotion and protection of human rights [5].

The General Assembly would override the rights and privileges of its members in regular and gross violations of human rights in such a way. It was not in the Commission. By promoting institutional council whose members are elected by the General Assembly, transparency and legitimacy are increased and it can better reflect the universality of human rights. The Human Rights Council will hold three sessions per year over the 10 weeks. The Council will be able to deal with human rights emergencies and when necessary and at the request of its members and with the support of one third of its members to hold special sessions. Through this new council in a better position to respond to gross violations of human rights would be systematic. It should be noted that the Human Rights Commission held one session per year over the six weeks. One of the criticisms of the Human Rights Commission was that sometimes the choice of dealing with countries and human rights, and led the country to escape the scrutiny of the human rights of the states may influence. But now, according to the Secretary-General rather than stigmatize some countries for attack while ignoring human rights violations in other countries, the Council will regularly review the human rights record of all countries. The Council is required by the principles of universality, impartiality, non-selectivity of targeted, lead and the resolution adopted by the Council stressed the importance of eliminating "political and dual criteria". The Council's mandate is the prevention of human rights violations. Where the Commission was completely inactive [6]. The Council shall have all the powers and responsibilities of the Commission include the use of independent journalists and to ensure that there is no a protection gap in the transition. Observers, including non-governmental organizations, intergovernmental organizations, national human rights institutions and specialized agencies in the Council through the same arrangements and procedures required by the Commission will be present. The Council's role and responsibilities of the Commission on Human Rights on the work of the Office of the High Commissioner for Human Rights will be charged. New Council exploit the great potential of the old human rights system has required changes [7].

#### **Commission on the status of women**

Resolution No. 11 dated 21 June 1946 the Committee on Economic and Social Council was established duties include submitting recommendations and proposals for promotion of women's rights in political, economic and cultural fields that are presented to Economic and Social Council. The Commission further the role of women in contemporary society and its needs and how to improve their human rights situation. In this regard, an important role in the United Nations plans to complaints about the human rights of women. The Commission has 45 members divided on the basis of geographical and elected by the Economic and Social Council. Annual meetings of the Commission for a period of 10 days are established [8]. CSW during the last years has responsibility of organizing and holding four World Conference on Women. At the Fourth World Conference in 1995, the Beijing Platform for Action document adopted on 12 areas of concern of women's lives With these themes: women and poverty, education and training of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision making positions, institutional mechanisms for the advancement of women, human rights women, women and media, women and the environment and girls Over the past decade CSW regularly review the implementation of the

above-mentioned 12 areas of concern and recommendations in this field in the framework of their annual meetings ratified [9].

#### **High commissioner for human rights**

United Nations General Assembly through Resolution No. 141/48 dated December 30, 1994 upon the proposal of the World Conference on Human Rights in Vienna in 1993 elected the High Commissioner on Human Rights as responsible for activities related to human rights in the United Nations. He is the highest authority on human rights and cooperate with the International Centre for Human Rights and in response to demand from governments, regional organizations and others to support the human rights through providing advisory services, technical cooperation and assistance [10]. Among other tasks, it can be considered: 1. Facilitate international cooperation for human rights 2. Playing a major role in the protection of human rights in the domestic and international levels. 3. To encourage adoption and implementation of international standards of human rights. 4. Response to serious violations of human rights. 5. Intervention in critical situations to prevent human rights violations (preventive diplomacy). 6. Undertake and supervise the activities of human rights [11].

#### **General Human Rights Committees**

##### **Committee on Civil and Political Rights**

According to Article 28 of the Covenant on civil and political rights, a committee composed of 18 members, nationals of States Parties of the Convention on the Human Rights Committee is formed. The most important duties in Articles 40 and 45 of the Convention Committee are as follows: 1. The study reports on effective measures for the implementation of the rights recognized in the Convention that governments employ. 2. Disputes arising from non-compliance with the obligations under Article 42 of the Convention [12].

##### **Committee on economic, social and cultural right**

It was established in 1985 by the Economic and Social Council, composed of 18 experts familiar with the issues of human rights and members of his government are separate entity and are elected from among candidates proposed by governments outside the Covenant on Economic, social and cultural. The Committee monitoring the Convention on the Rights as economic, social and cultural studies of countries report on how to comply with its provisions and, in fact, the committee deals with the control of the member countries of the Convention for the observance of the provisions [13]. Some of the most important actions of the committee include: 1. Appropriate action to investigate the laws by governments to comply with the provisions of the Covenant. 2. Realize the extent applicable, provisions of the Convention. 3. Provide the basis of precise and key policy areas by Member States for the implementation of the Covenant. 4. Recognizing the difficulties in the way of the fulfillment of conditions of the Covenant. 5. Exchange of information between countries in order to realize the best solution to implement the rights enshrined in the Covenant. The Committee, after a report by the governments, follows a study based on specific criteria. The preparatory committee checks it and takes a question of the government about clarification of reports [14]. The Committee of Member States to study and analyze the report in its present state and its decision on the status of each of the States Parties to the present Covenant on it. It is summarized as follows: introduction, positive aspects, examine the barriers to implementation of Convention, the main reasons for concern, provided the necessary recommendations [15]. This sum initially approved at a private meeting and then sold to the public. The committee was established at the beginning of their studies covenant violations observed and respect for the human rights violations of these states is required.

##### **Committee on specific human rights treaties**

In addition to the two Covenants mentioned specific treaties ratified by the United Nations has come to each committee as well as committees provided for in the Convention, there is that some of them are mentioned.

##### **Committee on the Rights of Racial Discrimination**

The committee to monitor the implementation of the provisions of Article 8 of the Convention on the Elimination of any kind of racial inequality exists between candidates and 18 experts from Member States are determined that the main task of the committee include: 1. Investigating reports that Member States are obliged under Article 9 of the Convention based on their actions in the fields of legislative, judicial and administrative will to implement the provisions of the Convention. 2. Addressed to the Member States complained about the lack of implementation of the Convention against each other in accordance with Article 11. 3. Addressing the complaints of persons on the basis of Article 14 of the complaint of their respective governments on non-compliance with the Convention, if the government has the authority to accept the declaration [16].

##### **Committee on the Elimination of Discrimination against Women:**

In accordance with Article 17 of the Convention to assess progress made in the implementation of the Convention, the Committee on the Elimination of inequality against women is formed. The committee's 23 experts will be selected from among the Member States. States Parties are committed under Article 18 on the legislative, judicial, administrative or other measures that can be undertaken, areas to carry out the provisions of the Convention to be implemented effectively And on the progress reports submitted to the Committee for consideration and that the members of the

review committee's opinion and the opinion of the Economic and Social Council, and from there to go to the General Assembly [17].

#### **Committee against Torture**

According to Article 17 of the Convention, the Committee is composed of 10 experts who shall be appointed by the member states. Its tasks include: Study the periodic reports of States on their actions in practice the provisions of the Convention and evaluate the information submitted in the case of torture and Investigation of the complaint, a Member State against another Member State for non-compliance with the Convention, if that state is already recognized in the declaration of the Committee [18].

#### **Committee on Rights of the Child**

The committee is composed of 10 experts elected by the States Parties to the Convention; States Parties are required to report in accordance with Article 44 concerning measures for the realization of the rights recognized in the present Convention have made to submit to the Committee. After reviewing the report, the Committee may make recommendations to the respective governments [19].

#### **Committee on the Rights of Persons with Disabilities**

Convention or the Convention on the Rights of the Disabled with a preamble, 50 articles and an additional protocol presented to the General Assembly and was appointed executive or join the 60 countries, the Special Committee by secret ballot of the members (representatives of the Governments of the signatory and acceding) the maximum number of 18 members was formed to establish and determine the functions and structures of the period of 6 months. The member and accession states to the Convention on the Rights of Disabled each Member State should be a comprehensive report within two years of efforts in the field of their commitment to the Special Committee submitted to the disabled. Subsequently, governments are required at least every 4 years according to the previous report, and the major issues and progress of their actions, both quantitatively and qualitatively to the United Nations and the Secretary-General submitted to the Committee [20]. The Secretary-General shall make these reports available to member states. Disability Rights Convention specific mechanisms to prevent violations of the rights of disabled people to submit reports to the Special Committee has determined to disabled persons (either natural or legal) can have a direct relationship with the Committee. Although reports of violations of the rights of disabled people and must not be contrary to the Convention, including all stages of administrative and judicial enforcement in the country of nationality or resident is gone. These reports are communicated to the Member State within six months will be required to submit a response to the violation of the rights of the disabled.

#### **Working Groups on Human Rights**

In addition to the cases mentioned above, some worrying trends and violator of human rights in certain cases (such as enforced disappearances and arbitrary detentions) to cooperate with the Commission on Human Rights on the General Assembly of the establishment of the regulatory bodies other topics as working groups attempt, of which examples are mentioned:

##### **Working Group on enforced disappearances**

Working Group on Disappearances of enforced or involuntary Assembly of the Human Rights Commission regarding the issue calls for the Commission on the basis of Resolution 20 dated February 29, 1980 to groups working to this end at the 5 experts in this group after receiving complaints or information to help the family of the disappeared person assists and care for them as part of their programs and to inform the person helping fate. However, the Working Group is humanitarian in nature. But in principle, governments are obliged to place responsibility for any violation of human rights in this regard come [21].

##### **The Working Group on Arbitrary Detention**

Every year, thousands of people around the world for many reasons, including the following reasons, for example, experience arbitrary detention only because of the use of freedom of expression or association or lack the necessary guarantees concerning the right to a fair hearing, or failure to comply with regulations justice relevant United Nations Commission on Human Rights has asked for some time because of the group called the Working Group on Arbitrary Detention was established in 1991 and the following missions that lay:

1. Investigating cases of detention imposed arbitrarily or in any other manner that is inconsistent with international standards accepted by the Member State concerned about the violations provided that no decision on the basis of national legislation by the judiciary is not relevant .2. Request and obtain information from the government and non-governmental and intergovernmental organizations, and information received from the individuals concerned, their relatives or their representatives. 3. The general report to the annual session of the Commission on Human Rights. International Working Group on Arbitrary Detention of non-conventional methods whose mission is to explicitly address the complaints of individuals. This means that the service group based on the principles according to which anyone anywhere in the world the right to complain [22]. Commission on Human Rights in Resolution 50/1997 called for the arrest of deprivation of liberty applied to the main objective of the Working Group, which protect individuals against all forms of arbitrary deprivation is fulfilled: 1. The continued deprivation of liberty who is under sentence

ended. 2. Deprivation of liberty for the rights and freedoms envisaged in the Universal Declaration of Human Rights and freedoms set forth in the Covenant on Civil and Political Rights. 3. Complete or partial ignoring international parallel with the rights of individuals to a fair trial set out in the Universal Declaration of Human Rights and the relevant international instruments which the Member State if the situation is so bad that these people take arbitrary detention conditions.

## CONCLUSION

As a result, it can be said that the Human Rights Council to replace the Commission on Human Rights in 2006 and the advantages of the former institution was that the new council members must be committed to the promotion and protection of human rights. The General Assembly would be the rights and privileges of its members in regular and gross violations of human rights as they cancel. It was on the commission. By promoting institutional council whose members are elected by the General Assembly, transparency and legitimacy can be increased and better reflect the universality of human rights. The Council will periodically review the human rights record of all countries And the work of its members in the implementation of human rights obligations in their first starts. Commission on the Status of Women in matters of women and their needs in contemporary society and improving their status in the study. In this regard, an important role in the United Nations plans to complaints about the human rights of women and is High Commissioner for Human Rights to facilitate international cooperation and encouraging the adoption of international standards of human rights and to prevent violations of human rights in critical conditions (preventive diplomacy) comes into play. Committee on Civil and Political Rights and on Economic, Social, Cultural, and appropriate measures for evaluating the internal rules for compliance with the provisions of the Covenant states do. Also find out how the provisions of the Convention is applicable, it is one of the functions. The Legal Committee of human rights treaties, each dealing with the reports that Member States about its actions in the fields of legislative, judicial and urinary are dedicated to the implementation of the Convention And also handle complaints against each other Member States. Special Committee to investigate specific cases of concern to the international community are responsible. For example, the Working Group on Arbitrary Detention, the way other international treaty that explicitly mandate the complaints of individuals. This means that service groups anywhere in the world based on the principles according to which anyone who has the right to complain.

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