International Human Rights Law

Joana Abrisketa

1 The Process of Internationalisation of Human Rights

The experience of the League of Nations (1919–1945) is most similar to the United Nations (UN). Indeed, the UN in its current form was shaped by two major weaknesses of the League of Nations.

First, the League was not universal in nature since its members were never sufficient in number as to be truly globally representative (among others, the United States of America were never a member, and the Soviet Union was expelled from the League in reaction to its invasion of Finland in 1939).

Second, the League's fragility during World War II and its impotence in the face of the Nazi genocide prompted its dissolution and paved the way for the establishment of a new organisation by the conquering powers. Thus, the two guiding ideas underpinning the San Francisco Conference (held between April and June 1945) were, on the one hand, the determination to ensure the universal nature of the future structure and, on the other, the desire for the new organisation to last over time. The final result of the Conference was the Charter of San Francisco of 1945, the UN Charter.

Year 1945 was a key year in the development of international human rights law (HRL): with the establishment of the UN, symbolic of the evolution from traditional to contemporary public international law (PIL), the world witnessed the internationalisation of human rights. Traditional PIL, prior to 1945, was conceived as an instrument that exclusively regulated the relations between States: only States

The research on which this chapter is based received financial support from the Seventh Framework Programme of the European Commission (FP7/2007–2013), according to the terms of the Grant Agreement FRAME (n° 320000).

J. Abrisketa (✉)
University of Deusto, Bilbao, Spain
e-mail: joana.abrisketa@deusto.es

H.-J. Heintze, P. Thielbörger (eds.), *International Humanitarian Action*,
DOI 10.1007/978-3-319-14454-2_8

were PIL subjects, and therefore only they were entitled to rights and owed obligations.[1] The scope of the *subjects* of PIL began to expand following the establishment of the first international organisation of a general nature (the League of Nations) and the subsequent recognition of different forms of legal personality. However, it was only with the inclusion of individuals in the UN Charter that natural persons first became subject to this manner of protection.

2 The Basis of the Regulatory System: The United Nations Charter

The internationalisation of human rights after World War II was effected primarily in response to the crimes commmitted by Nazi Germany and to the conviction that these crimes could have been avoided had there been an international system guaranteeing the protection of human rights. The UN Charter's preamble determines as its goals '[. . .] to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small'. Hence, the respect of fundamental rights, together with maintaining international peace and security, is the guiding idea that emerges from the preamble.[2]

Additionally, Article 1(3) UN Charter states that one of the main purposes of the organisation is '[t]o achieve international co-operation in [. . .] promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'. This is a programmatic standard in that it sets forth the UN's purpose and thereby determines the legitimacy of all actions it takes.[3] It should also be noted that the UN aims not merely to ensure the respect of human rights but also to achieve international cooperation in the development and stimulus of this interest common to all States.[4]

Finally, Article 55(c) UN Charter determines that '. . . the United Nations shall promote [. . .] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'.

This wording highlights that the inclusion of the principle of promotion of human rights in the UN Charter was a major landmark. However, despite its scale and scope, the mandate entrusted to the UN was limited by some major concerns: the Charter neither includes a definition of human rights, nor does it incorporate a basic inventory of those rights and set forth any basic mechanism to guarantee them. As a result, shortly after the creation of the UN, steps were taken to institute

[1] Buergenthal et al. (2009); Clapham (2007); Gómez Isa (1999), pp. 17–92; Wachsmann (2008).
[2] Alston and Goodman (2013), pp. 58–154.
[3] Pinto (1997), p. 16.
[4] *Ibid*.

de iure the principle of protection of the rights that was so vaguely set down in the Charter.

3 Major Instruments of International Human Rights Law

This subsection addresses three of the main international legal instruments targeting human rights: the Universal Declaration of Human Rights of 1948 and the International Covenants of 1966. These instruments together comprise the International Bill of Human Rights.

3.1 The Universal Declaration of Human Rights of 1948

Without exhaustively examining the process whereby the Universal Declaration was drafted, a very relevant aspect of its creation must be succinctly mentioned.[5] The Declaration was conceived, thanks to the endorsement of then US President Roosevelt, who, in his 1941 State of the Union Address known as the 'Four Freedoms Speech', planted the seed of the so-called universal *Magna Carta*. However, during the drafting of what would become the Universal Declaration, the Western bloc ignored the interest that President Roosevelt evinced in 'freedom from want' and 'freedom from fear', to such a degree that the countries comprising this bloc suggested including only civil and political rights on the basis of the essentially individualistic connotation of these concepts in the eighteenth and nineteenth centuries. It was only in the face of manifest opposition by the Socialist bloc and the pressure exerted by Latin American States that their Western counterparts agreed to include a series of economic, social and cultural rights in the Universal Declaration. The Socialist bloc countries were distrustful and sceptical throughout the entire drafting period and only consented to cooperate after the West agreed to include the protection of social and economic rights. Nevertheless, in view of the fact that its proposals were for the most part turned down, the Socialist bloc abstained from voting for the sum total of the text that was adopted by the UNGA on 10 December 1948.

Focusing on the contents of the Declaration, the Frenchman René Cassin, one of its founding fathers, observed that it rested upon four fundamental pillars. The first includes the rights of the person (the right to equality and the right to life, to freedom and to safety). The second pillar comprises the rights of the individual within the scope of his relations with the social groups of which he is a member (the right to a private and family life, the right to marry, freedom of movement within

[5]For a Commentary on the Universal Declaration of Human Rights, see Afredsson and Eide (1999).

the State or abroad, the right to a nationality, the right to own property and freedom of religion). The third pillar includes political rights, exercised in order to contribute to the establishment of State bodies or to participate in political activities (freedom of thought and of assembly, the right to active and passive suffrage, the right to access the government). Finally, the fourth pillar encompasses rights exercised in the economic and social arena, i.e., within the scope of labour relations (the right to work, the right to fair compensation and the right to rest and leisure) and the right to education.[6]

Nevertheless, the Universal Declaration was not proclaimed as an international treaty and therefore not a legally binding document. As it was a resolution (in the guise of a Declaration) adopted by the UNGA, it obtained the legal nature of a *recommendation* without the force of law inherent to an international treaty.[7] Thus, shortly after the Declaration's adoption, the international community began work to include the rights contained in the Universal Declaration in a new binding and enforceable treaty.

3.2 The International Covenants of 1966

The discrepancies between the two global power blocs became evident during the drafting of what was to become the great treaty on human rights. Indeed, the initial idea was to draft one single covenant that would comprise the totality of the rights contained in the Universal Declaration. However, after lengthy debates, the UNGA requested the Commission on Human Rights to draw up two separate documents—one was to include civil and political rights and the other economic, social and cultural rights—both of which were to contain as many similar provisions as possible so as to energetically reflect the single nature of the desired end.

In 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted. The two documents have an analogous structure, and some of their respective articles are either identical or very similar.

The ICCPR includes the rights that are commonly identified as so-called *first-generation* human rights: the right to life, the right to freedom from torture, the right to freedom and safety, the right to movement and residence, the right to legal and judicial guarantees, the right to a legal personality, the right to private and family life, the right to freedom of thought and of speech, the right to freedom of assembly, as well as political and family-related rights.[8] Furthermore, two Optional Protocols

[6]Cassin (1951), pp. 237–367.

[7]Oraá and Gómez (1997), p. 77.

[8]On this issue, see Cassese (2012), pp. 136–143 and Lillich (1984), pp. 115–169.

complement the ICCPR: the First Optional Protocol of 1966[9] deals with the right of individuals to file complaints before the Human Rights Committee; the Second Optional Protocol of 1989[10] aims at the abolition of the death penalty.

The ICESCR includes rights that are often referred to as 'second generation' human rights. These include, among others, the right of all men and women to work, to form and join a trade union, to social security and protection, to physical and mental health, and to enjoy education, science and culture.[11] Its Optional Protocol, which sets forth the individual complaint mechanism, was adopted in 2008 and entered into force in 2013.[12]

The major difference between the two Covenants of 1966 lies in the fact that their States parties enter into different obligations. The wording used to set out obligations differs from one Covenant to the other: the ICCPR targets obligations of result, whereas the ICESCR pursues a specific obligation of conduct. However, despite the fact that initially references were made to the different degrees of compliance, the Committee on Economic, Social and Cultural Rights (CESCR) stated in 1990 that the ICESCR implies both the steady accomplishment of the obligations, as well as their immediate effect.[13]

However, the *official* position as regards these two sets of rules is that both types of rights are *universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis*.[14]

In practice, while most governments support the equal status and relevance of economic, social and cultural rights, they fail to take steps to strengthen those rights in their domestic legal orders.

[9]Optional Protocol to the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by UN General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force on 23rd March 1976.

[10]Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted and proclaimed by UN General Assembly Resolution 44/128 of 15 December 1989.

[11]Eide (2001), pp. 9–28.

[12]Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted on 10 December 2008 during the sixty-third session of the General Assembly by resolution A/RES/63/117 of 10 December 2008, entered into force on 13 May 2013.

[13]Committee on Economic, Social and Cultural Rights, General Comment No. 3, The nature of States parties' obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III, 4rd December 1990.

[14]Vienna Declaration, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993 para 5, http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx.

4 Defining Features of the Treaties on Human Rights

The treaties on human rights are agreements entered into by States, while individual human beings are the ones protected by these rights.[15] More specifically, one of the rights that individuals are entitled to is access to international authorities—judicial and non-judicial alike—to uphold those rights against the State.

Further, the nature of obligations contained in the human rights treaties is essentially objective. The treaties referred to are not synallagmatic, which denotes reciprocal compliance between States and individuals with the obligations in question. Hence, the general principle of international law that exempts one subject of PIL from complying with obligations it owes to another party, which is in violation of said rules, is not applicable. Non-compliance with the contents of a treaty on human rights, therefore, warrants neither the suspension of the treaty nor the termination thereof by other States parties. Human rights treaties create *erga omnes* obligations, which continue to exist at all times.

To conclude this summary of the most characteristic features of HRL, it should be stressed that there are two fundamental levels on which this legal framework has evolved: the regulatory or substantive level and the institutional level whereby the rules have to be applied.[16]

The first level marks certain rights as human rights and focuses on the construction of rules and standards. In the articulation of this regulatory dimension, there is a clear interaction between domestic law and PIL. It was indeed during the initial stages of codification that international treaties adapted the concepts of itemising the rights and freedoms in question from national constitutions (the Constitution of the French Fourth Republic, the Constitution of Italy 1947 and the Basic Law for the Federal Republic of Germany 1949—the most influential constitution of all). The 1948 Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 are telling examples. These international instruments in turn inspired Eastern and Central European States to include fundamental rights in their national constitutions throughout the 1990s. The Cold War over, these countries adapted their State models to the ones in place in the democracies of Western Europe.

The second level, the institutional dimension, referring to the specific implementation of rules designed to protect human rights, is of a clearly international nature. The institutional mechanisms in place strive to monitor the substantiation of violations of HRL carried out in the jurisdictions of States parties to human rights treaties. They provide guarantees of non-repetition, to assure reparations and to persuade against the perpetration of new violations at an international level.

[15] Pinto (1997), p. 57.

[16] Álvarez, N., La evolución de los derechos humanos a partir de 1948: hitos más relevantes, in: Gómez Isa (1999), pp. 93–178.

5 International Systems to Protect Human Rights

5.1 Treaty Mechanisms

There are currently 10 international treaties on human rights, adopted under UN auspices, each of which provides for the establishment of a separate Committee (or human rights treaty body) to safeguard States' compliance with their rules. All treaty bodies are made up of independent experts of recognised competence in human rights, whose names are put forward by the States parties and are then voted on. The composition of treaty bodies reflects different regional groups, and the number of members ranges between 10 and 25:

- The International Covenant on Civil and Political Rights establishes the Human Rights Committee (CCPR).
- The International Covenant on Economic, Social and Cultural Rights establishes the Committee on Economic, Social and Cultural Rights (CESCR).
- The International Convention on the Elimination of All Forms of Racial Discrimination establishes the Committee on the Elimination of All Forms of Racial Discrimination (CERD).
- The Convention on the Elimination of All Forms of Discrimination Against Women establishes the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishes the Committee Against Torture (CAT).
- The Optional Protocol of the Convention Against Torture establishes the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).
- The Convention on the Rights of the Child establishes the Committee on the Rights of the Child (CRC).
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families establishes the Committee of Migrant Workers (CMW).
- The International Convention on the Rights of Persons with Disabilities establishes the Committee on the Rights of Persons with Disabilities (CRPD).
- The Convention for the Protection of All Persons from Enforced Disappearance establishes the Committee on Enforced Disappearances (CED).

The mandate common to all of these committees is to monitor whether member States implement the conventions, through the examination of the reports sent periodically by the parties themselves (State reporting). All member States are obliged to submit an initial comprehensive report during the first year after the treaty becomes effective and afterwards every four or five years, depending on the treaty. In their reports, States parties must describe the juridical, administrative and legal measures they have adopted to ensure compliance with the respective treaty. The aim is to verify the progress achieved, to detect problems, to assess needs and

to plan necessary policies. In accordance with this procedure, the pertinent committee (known as the treaty body) may decide to examine the status of implementation of a given treaty irrespective of whether it has already received the report or not. In this case, the treaty body will present to the member State a list of concerns, inviting it to send a delegation to the Human Rights Council. Oftentimes, it is sufficient for the treaty body to notify a State that it will examine its current status of compliance to persuade it to present its report.

In specific cases, the committees created by virtue of the treaties may receive and examine complaints from individuals who believe their rights have been violated, subject to certain conditions (individual communications). Additionally, some of the treaty bodies may initiate investigations if they receive reliable information containing well-grounded details about relevant violations, if member States have acknowledged separately and individually the treaty body's competency in this regard.

Finally, each treaty body publishes its interpretation of the respective treaty provisions in the form of *general comments* or *general recommendations*. This hermeneutical undertaking to clarify the content of HRL treaties has been essential in the implementation of specific human rights that were proclaimed in very broad terms.

Four of the treaty bodies were established or had their competencies expanded after 2000.[17] This means that, over the last decades, the expansion of the system has been significant regarding several aspects: the number of treaty bodies, the number of their sessions, the number of their experts and the number of their decisions.[18] In addition, States are obliged to fulfil their reporting obligations under the different treaty regimes, which has become an overlapping reporting burden.[19]

5.2 *United Nations Human Rights Special Procedures*

Under the UN Human Rights Special Procedures, experts (*Special Rapporteurs* or *Working Groups*) analyse, monitor and advise on issues pertaining to human rights, either with regard to specific allegations (thematic mandates) or with the aim of examining the situation in a specific State (country mandates). The scope of each Special Procedure is determined by the specific decision creating it, but the tasks of the Rapporteurs and Working Groups are usually similar in that they carry out country visits, take action with regard to specific cases by communicating directly

[17]The Optional Protocol of the Convention against Torture, which established the Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 2002; the Conventions on the Rights of Persons with Disabilities and the Convention on Enforced Disappearances were adopted in 2006 and the Committee on the Rights of the Child adopted its third Protocol on a communications procedure in 2011.

[18]Pillay (2012).

[19]Egan (2013), pp. 209–243.

with the governments concerned, and even contribute to the development of the legal framework within the capacity of their mandate. Unlike the UN treaty mechanisms, which were established by virtue of the respective conventions, Special Procedures undertake their activities whether a State has ratified the pertinent treaty or not. Also, it is not necessary to have exhausted domestic remedies to access these procedures.[20]

When the mandate holders of Special Procedures interact directly with governments, they take action in cases of violations that have occurred, that are currently occurring or that will foreseeably occur. The process involves communicating with the government in question through the Office of the United Nations High Commissioner for Human Rights (OHCHR). Mandate holders request information and data regarding allegations of human rights violations, the adoption of preventive measures or call for the beginning of an investigation. Communications in general are known as 'urgent appeals' if the information provided relates to an ongoing violation or a violation that will foreseeably take place and as a Complaints Procedure Form when the information provided deals with already-committed violations.

Most of the mandates in existence until June 2006 were created upon the initiative of the then Commission of Human Rights and approved by the United Nations Economic and Social Council (ECOSOC). After 19 June 2006, when the United Nations Human Rights Council was created in substitution of the Commission on Human Rights, the Council was called upon to assume, review, improve and rationalise all mandates, mechanisms, functions and responsibilities of the Commission in order to maintain an effective system of Special Procedures.[21]

6 The United Nations Human Rights Council

The intergovernmental nature of the former UN Commission on Human Rights—made up of 53 members chosen according to geographical representation, including the permanent members of the UN Security Council (UNSC)—led the Commission to politicise the handling of the cases, resulting in a series of discriminatory selective decisions that ultimately resulted in the Commission's loss of credit.[22] Consequently, the UN undertook a reform of the system in 2006. Two catalysts lay behind this change of course.

First, Western countries agreed that the function of the Commission on Human Rights, the nature of which was notoriously political, had to be modified.

[20]Office of the High Commissioner for Human Rights, Working with the United Nations Human Rights Programme. A Handbook for Civil Society, New York and Geneva 2008, p. 107.

[21]Office of the High Commissioner for Human Rights, Manual of Operations of the Special Procedures of the Human Rights Council, Geneva, 2008, p. 4.

[22]Alston (2006), pp. 185–224.

Second, there was a perception that the UN had to be reformed in its entirety, underlined by then Secretary General Kofi Annan, who sought to finalise his mandate in 2006 through a significant reform. Since other reforms, especially regarding the make-up of the UNSC, were not possible, it was clear that the reform would have to be carried out via a lesser body. Although the reform was indeed required, the reason why it was actually undertaken was not essentially the desire to improve the protection and safeguarding of human rights but rather the desire to camouflage the fact that other attempts at renewal within the UN framework had not been accomplished.

Hence, the UN Human Rights Council was established, created by the UNGA as an intergovernmental body made up of 47 member States and in charge of strengthening the promotion and protection of human rights on a global level.[23] The Council has the ability to make recommendations to the UNGA, insofar as it is a subsidiary body of the UN, which the Commission on Human Rights was not.

The UNGA decided that the Council would avail itself of a new mechanism to assess the human rights situations in all UN member States: a universal periodic review (UPR), the major innovation of the newly created body. UNGA Resolution 60/251 provided that the Council should

> [u]ndertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligation and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies.[24]

In contrast to the assessments of the United Nations Commission on Human Rights, which were selective in nature, the new mechanism ensures that every UN member State is periodically evaluated.[25] UPR serves to assess the human rights situations in the 192 United Nations' member States every four years.[26] As a starting point, the UPR uses information derived from different sources:

- information prepared by the State under review (the National Report);
- a compilation prepared by the OHCHR containing information from treaty bodies, Special Procedures and other relevant bodies; and
- a summary, also prepared by the OHCHR, containing information from civil society (NGOs, different national human rights associations, women's groups, trade unions and religious groups).

The actual review consists of a dialogue (the so-called added value) of three hours' duration that the State under review engages in with the UPR Working Group, made up of the 47 members of the Council on Human Rights. After this

[23] UN General Assembly Resolution 60/251, UN Doc A/RES/60/251, 15 March 2006.

[24] *Ibid.*

[25] Alston (2006), pp. 185–224; Freedman (2011), pp. 289–309.

[26] Every year 42 States are reviewed.

dialogue, a troika of rapporteurs (made up of three members of the council) and the UPR Secretariat prepare a report containing the questions posed during the dialogue and the recommendations made, noting those which the State has accepted. Finally, the working group accepts the report and sends it to the Council for approval.

Very succinctly, criticism of UPR centres on two aspects: first, the review is presented by member States, and second, there is no guarantee that representatives of civil society can participate fully.

Concerning the assessment carried out by the States, it is of note that human rights treaties generally foresee the existence of bodies that are specifically tasked to monitor compliance with obligations. As we have seen, these bodies are made up of independent experts who do not respond to the interests of any specific State. Thus, the scope of compliance with human rights rules is assessed with a guarantee of objectivity. However, within the framework of UPR, it is State delegations that study human rights in the State under review. Since all States are subject to this same review process, it is not improbable that they will avoid adopting harsh positions in order to not receive strong criticism themselves.[27]

As regards the limited participation of civil society, in contrast to the procedures in place for reviews carried out by human rights treaty bodies, UPR procedure stipulates that NGOs must submit relevant information prior to the presentation of the State report. Hence, the organisations do not have the possibility of questioning the information provided by the State or of contributing further analyses to counter the State's positions. In turn, NGOs may be present during the review, but they may not make any declarations or ask the State under review questions. This makes it impossible for civil society to directly pose fundamental questions regarding the status of human rights in the State under review.

References

Books and Reports

Afredsson G, Eide A (eds) (1999) The Universal Declaration of Human Rights. A common standard of achievement. Martinus Nijhoff, London

Buergenthal T, Shelton D, Stewart D (2009) International human rights in a nutshell, 4th edn. Thomson Reuters

Clapham A (2007) Human rights. A very short introduction. Oxford University Press

Oraá J, Gómez F (1997) La Declaración Universal de los Derechos Humanos. Instituto de Derechos Humanos, Universidad de Deusto

Pillay N (2012) Strengthening the United Nations human rights treaty body system. A Report by the United Nations High Commissioner for Human Rights, Office of the High Commissioner for Human Rights, Geneva

[27]Cowan and Billaud (2015), pp. 1175–1190; Smith (2013), pp. 1–31; Vengoechea-Barrios (2008), pp. 101–116.

Pinto M (1997) Temas de derechos humanos. Editores del Puerto, Buenos Aires
Wachsmann P (2008) Les Droits de L'Homme, 5th edn. Dalloz

Articles and Book Chapters

Alston P, Goodman R (2013) The human rights regime: background and birth. Comment on international dimension of human rights regime. In: International human rights. Oxford University Press
Alston P (2006) Reconceiving the United Nations human rights regime: challenges confronting the new UN Human Rights Council. Melb J Int Law 7:185–224
Cassese A (2012) A plea for a global community grounded in a core of human rights. In: Cassese A (ed) Realizing Utopia: the future of international law. Oxford University Press
Cassin R (1951) La Déclaration universelle et la mise en oeuvre des droits de l'homme. Recueil des cours de l'Académie de Droit International de La Haye 79(II):237–367
Cowan J, Billaud J (2015) Between learning and schooling: the politics of human rights monitoring at the Universal Periodic Review. Third World Quarterly 36:1175–1190
Egan S (2013) Strengthening the United Nations human rights treaty body system. Hum Rights Law Rev 13:209–243
Eide A (2001) Economic, social and cultural rights as human rights. In: Eide A, Krause C, Rosas A (eds) Economic, social and cultural rights, 2nd rev. edn. Nijhoff, Dordrecht
Freedman R (2011) New mechanisms of the UN Human Rights Council. Neth Q Hum Rights 29:289–309
Gómez Isa F (1999) La Declaración Universal de Derechos Humanos: algunas reflexiones en torno a su génesis y a su contenido. In: Gómez Isa F et al (eds) La Declaración Universal de Derechos Humanos en su cincuenta aniversario. Un estudio interdisciplinar, Universidad de Deusto, Bilbao
Lillich R (1984) Civil rights. In: Meron T (ed) Human rights, international law: legal and policy issues. Oxford University Press
Smith R (2013) To see themselves as others see them: the five permanent members of the Security Council and the Human Rights Council's universal periodic review. Hum Rights Q 35:1–31
Vengoechea-Barrios J (2008) The universal periodic review: a new hope for international human rights law or a reformulation of errors of the past? Revista Colombiana de Derecho Internacional 12:101–116

UN Documents

Committee on Economic, Social and Cultural Rights, General Comment 3, The nature of States parties' obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III, 4rd December 1990.
Office of the High Commissioner for Human Rights, Manual of Operations of the Special Procedures of the Human Rights Council, Geneva 2008.
Office of the High Commissioner for Human Rights, Working with the United Nations Human Rights Programme. A Handbook for Civil Society, New York and Geneva 2008.
Optional Protocol to the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 and entered into force on 23rd March 1976.
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted on 10 December 2008 during the sixty-third session of the General Assembly by resolution A/RES/63/117 of 10 December 2008 and entered into force on 13rd May 2013.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989 and entered into force on 11th July 1991.
UN General Assembly Resolution 60/251, UN Doc A/RES/60/251, 15 March 2006.
Vienna Declaration, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993 para 5., http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx.

Further Reading

Alston P, Goodman R (eds) (2012) International human rights
De Schutter O (2014) International human rights law – cases, materials, commentary, 2nd edn. August

Joana Abrisketa is Associate Professor of Public International Law at Deusto University, Spain, where she previously acted as Director of the NOHA Joint Master's Programme in International Humanitarian Action.