

Human Rights in the International Arena: Means of Protection and Prevention

Conference organised jointly by the British Institute of International and Comparative Law and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law

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Key Issues Raised in Final Discussion **chaired by Ambassador Hans Corell**

The final discussion of the Conference was held under the title 'Cooperation and Prevention and Lessons for the Future'. Drawing on their own experiences and on statements and the debate at the Conference, speakers were asked to identify national and international institutions where improvements in their handling of Human Rights issues are called for and to point to legal and political possibilities for achieving this.

This document reflects some of the suggestions made in this discussion and has been prepared by the Conference Secretariat for the benefit of all participants and others in the Conference in the hope that it may serve as a source of inspiration in their future endeavours.

Possible Actions at the National Level

- Expand the use and power of national institutions, which represent different components of society and thus are able to examine critically national policies.
- Improve the Human Rights culture and awareness, in particular in countries where people lack awareness about their Human Rights.
 - Persuade the media to be more favourable to Human Rights.
 - Teach Human Rights at the primary level of education, in particular on the basis of the Universal Declaration of Human Rights. At the law school level, Human Rights education should permeate all legal disciplines.
 - Translate Human Rights instruments and jurisprudence in all languages, including the languages of minority groups. Introductory law manuals should be written in all languages and disseminated.
 - Provide assistance to institutions that are engaged in Human Rights protection but also to assist the strengthening of a Human Rights culture directly.
 - Consider the possible assistance of corporations in raising awareness of Human Rights. In particular, encourage the business community and the media to celebrate the 60th Anniversary of the Universal Declaration of Human Rights by printing and disseminating the text of the Declaration in

as many languages as possible. (Over 335 different language versions of the declaration are available in html, pdf and graphical forms at <http://www.unhchr.ch/udhr/index.htm>.) Define the appropriate channels to reach out to the business community; consider the OECD and the Global Compact as such possible channels.

- Identify the protection needed in each country to see where improvements are required and feasible in the following areas: constitutional; legislative; judicial; institutional; monitoring and educational.
- Offer technical assistance to countries with regard to Human Rights.
- Consider further sanctions and counter-measures in the interest of communities for the protection of Human Rights, keeping in mind that the protection of gross abuses is the responsibility of the States themselves and, ultimately, the Security Council of the United Nations.
- Envisage corruption as a direct human rights violation. Analyse if the monitoring mechanisms used in the UN Convention against Corruption and peer review of the OECD anti-bribery law could be used for Human Rights monitoring.
- Consider a 'corporate watch' to monitor corporations' compliance with Human Rights, in particular with regard to the role played by corporations in the developing world.
- Analyse if corporations are only willing to adhere to voluntary obligations or if there is a desire on the part of the business community for the development of clear and binding standards that could be followed by sanctions.
- Define the responsibility of non-state actors, such as trans-national corporations, for Human Rights protection. States should not lose their responsibility for the protection of Human Rights at the national level even if non-state actors have additional responsibility.
- Improve judicial recourse to courts, ensure the execution of international decisions at the national level, and improve compliance with international decisions and international law generally.

Possible Actions at the International Level

- Supervise the compliance with decisions and views of international bodies by countries.
- Improve funding for international monitoring mechanisms, which should be seen as an investment because UN funding is not sufficient. If additional UN funds are not forthcoming, countries should be asked to make voluntary contributions towards monitoring mechanisms despite the 'unpopularity' of such mechanisms in certain quarters.
- Require all governments to commit to allowing Special Procedures to visit their countries.
- Recognise the role played by NGOs in monitoring.
- Recognise field work in general as essential in determining where the resources are allocated. Base field work on the work of the treaty bodies and Special Procedures. Focus funding on the treaty bodies as they are the foundation of field work.
- Consider strengthening the Rule of Law unit of the UN Secretariat and coordinate Rule of Law issues. At present, the Rule of Law unit is small but it is a vital platform.

- Focus international aid on legal technical assistance. Define areas in which countries need legal technical assistance or assist them in making such definitions. Develop links between those who need help and those who can provide help. The point of departure should be that all countries in one way or the other need legal assistance in the field of Rule of Law.
- Consider the need (or not) for further evaluations of the international Human Rights monitoring system and the sufficiency, number and efficiency of the monitoring bodies. For example, should monitoring occur for countries that do not appear to need it; should its focus be on cases of discrimination; and should a 'best effort' standard from States in protecting these rights be accepted? How are Economic, Social and Cultural Rights best monitored and should there be a body to examine individual complaints in this area?
- Consider whether a post similar to the OSCE High Commissioner on National Minorities could be established in other regions, in particular in Africa.
- Analyse how the interest in Human Rights can be heightened in the global community.

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