

Human Rights Protection Systems

Universal and selected regional systems
of human rights law.

International Criminal Court.

Human Rights Protection Systems

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Right to respect for private and family life

Case study:

Solska and Rybicka v. Poland

ECtHR, September 20, 2018

(applications nos. 30491/17 and 31083/17)

United Nations



United Nations

Establishment:	October 24, 1945
Headquarters:	New York City
Main acts:	Universal Declaration of Human Rights International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights

Council of Europe



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

Council of Europe

Establishment:	May 5, 1949
Headquarters:	Strasbourg
Main act:	Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights

European Court of Human Rights



European Union



European Union

Establishment:	November 1, 1993
Headquarters:	Bruselas, Strasburg, Luxemburg, Frankfurt
Motto:	„United in diversity”
Main act:	Charter of Fundamental Rights of the European Union



African Union



African Union

Establishment:	July 9, 2002
Headquarters:	Addis Abeba
Motto:	„A United and Strong Africa”
Main act:	African Charter on Human and Peoples’ Rights

Organization of American States



Organization of American States

- Establishment:** April 30, 1948
- Headquarters:** Washington, D.C.
- Motto:** „Democracy for peace, security and development”
- Main act:** American Convention on Human Rights

League of Arab States



League of Arab States

Establishment:	March 22, 1945
Headquarters:	Cairo
Main act:	Arab Charter on Human Rights

On Jan 24th, 2008, the High Commissioner for Human Rights, Louise Arbour, has stressed that the Charter is incompatible with international standards for women's, children's and non-citizens' rights, and in that it continues to equate Zionism with racism.

International Criminal Court



International Criminal Court

first permanent treaty-based international tribunal
to deal with individual criminal responsibility
for the most serious international crimes

Headquarters: Hague

Main act: Rome Statute, adopted on July 17, 1998

Jurisdiction and admissibility

- **principle of complementarity** with regard to national criminal proceedings, meaning that the ICC will only investigate and prosecute cases in which national courts are unwilling or unable genuinely to investigate or prosecute (Art. 17 (1) Rome Statute)
- **primacy of national prosecutions**

Jurisdiction and admissibility

- *jurisdiction ratione materiae:*
 - the crime of genocide
 - crimes against humanity
 - war crimes
 - the crime of aggression

Jurisdiction and admissibility

- *jurisdiction ratione temporis:*
no retrospective jurisdiction – the Court can only deal with crimes committed after July 1, 2002, when the Rome Statute came into force
- *jurisdiction ratione loci and ratione personae:*
crimes committed on the territory of a state which has ratified the treaty; or by a citizen of such a state; or when the United Nations Security Council refers a case to it

LITERATURE

Essentials:

- Moeckli D., Shah S., Sivakumaran S., Harris D., *International Human Rights Law*, Oxford 2014

Extra:

- Bhuiyan J.H., Chowdhury A.R, *An introduction to international human rights law*, Leiden, Boston, 2010
- Conde V. H., *A Handbook of International Human Rights Terminology, Second Edition (Human Rights in International Perspective)*, 2010
- Hannum H., *Guide To International Human Rights Practice*, 2004
- Jabłoński M., Jarosz-Żukowska S., *Prawa człowieka i systemy ich ochrony. Zarys wykładu*, Wrocław 2010
- Joseph S., Mcbeth A., *Research Handbook on International Human Rights Law (Research Handbooks on International Law)*, 2010
- Lewis James R., *The Human Rights Encyclopedia*, 1999
- Lyons G. M., *International Human Rights in the 21st Century: Protecting the Rights of Groups*, 2004
- Martin F.F., Schnably S. J., Simon J., Stephen J., Tushnet M., Wilson R., *International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis*, 2006
- Merris A., *Human rights law*, 2006
- Provost R., *International Human Rights and Humanitarian Law*, 2002
- Ramcharan B. G., *The Fundamentals of International Human Rights Treaty Law*, 2011
- Schutter O., *International Human Rights Law: Cases, Materials, Commentary*, 2010