International and Regional Human Rights Frameworks

Suki Beavers, UNDP
May 30-31, 2017
Kingston, Jamaica
International Human Rights Framework

- Human Rights frameworks place legal obligations on states
- Universal Declaration of Human Rights (adopted in 1948)
International treaties and monitoring bodies

- International Covenant on Civil and Political Rights (entered into force in 1976) *Treaty Body: Human Rights Committee*
- International Covenant of Economic and Social Rights (entered into force in 1976) *Treaty Body: Committee on Economic, Social and Cultural Rights*
International treaties and monitoring bodies

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) Monitoring Body: CAT
UN Human Rights Bodies

- Human Rights Council
- Universal Periodic Review
- Special Procedures of the Human Rights Council
- Human Rights Council Complaint Procedure
HIV/AIDS in the International Framework

- “A lack of respect for human rights fuels the spread and exacerbates the impact of the disease” (OHCHR)
- People with HIV/AIDS are protected by ICCPR rights to equality, privacy and dignity.
- People with HIV/AIDS are protected by Article 12 of ICESCR – the right to health which includes “access to “facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.”
- UNGA Political Declaration on HIV and AIDS (2011) (A/RES/65/277)
- Special Rapporteur for Health has addressed HIV/AIDS and human rights in reports and country visits (for example A/HRC/14/20)
1. Epidemic of bad laws is fueling the spread of HIV, resulting in human rights violations and costing lives.

2. Epidemic of bad laws is wasting money & limiting effectiveness and efficiency of HIV and health investments.

3. Good laws and practices that protect human rights and build on public health evidence already exist - they strengthen the global AIDS response, and they must be replicated.

4. Scientific tools alone are not sufficient to halt and reverse AIDS. Enabling legal environments are essential to a successful AIDS responses.
LGBT Rights in the International Framework

- General Assembly resolution - Extrajudicial, summary or arbitrary executions (adopted 30 January 2015) - A/RES/69/182
- Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016) - A/HRC/RES/32/2
- Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity (2016)
- Yogyakarta Principles (developed in 2006)
Regional Human Rights Frameworks

Africa

- Regional Organisation: African Union
- Commission: African Commission on Human and Peoples’ Rights
- Court: African Court of Justice and Human Rights
- Committee on the Protection of the Rights of People Living with HIV
- Resolution 275 of ACHPR (2014)
Regional Human Rights Frameworks

Americas

- Regional Organisation: Organisation of American States
- Commission: Inter-American Commission on Human Rights
- Court: Inter-American Court of Human Rights
- Adopted Strategic Plan for LGBT people (2011-2012)
- Atala v Chile (2012)
- Established Rapporteurship on LGBT Rights (2013)
- Documented violence against LGBTI persons in Americas in report (2015)
Regional Human Rights Frameworks

Europe

- Regional Organisation: Council of Europe
- Court: European Court of Human Rights
- European Union: Discrimination based on SOGI prohibited by Treaty on the Functioning of the European Union