HOW WOULD YOU IMPROVE THE EFFECTIVENESS OF THE INTERNATIONAL HUMAN RIGHTS SYSTEM?

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This article focuses on human rights issue. It discusses the ways in which human rights system can be improved and made more effective. As the system has grown, it has faced challenges. Here are explored the solutions that can be given to this problem. One of the steps is to achieve respect for established human rights. Moreover there should be enforced the mechanisms of supervision of human rights infringements. Other factors that would help in the process of effectiveness of international human rights system are: democratization of the society, the society involvement in the community life and in the decisions making process.
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Articolul dat este concentrat asupra problematicei drepturilor omului. Discută modalitățile în care sistemul drepturilor omului pot fi îmbunătățite și ca urmare făcut mai eficient. Pe măsură ce sistemul a crescut, s-a confruntat cu diverse provocări. În articolul dat sunt analizate soluțiile care pot fi folosite în vederea rezolvării acestor probleme. Unul dintre pașii ar fi de a asigura respectarea drepturilor omului stabilite. Mai mult decât atât ar trebui să fie puse în aplicare mecanismele de supraveghere a încălcărilor drepturilor omului. Alți factori care ar putea ajuta în procesul de eficacitate a sistemului internațional al drepturilor omului sunt: democratizarea societății, implicarea societății atât în viața comunității cât și în procesul de luare a deciziilor.
Cuvinte cheie: *drepturile omului, violări, Declarația Universală a Drepturilor Omului, lege, sistemul drepturilor omului.*

> *To deny people their human rights*
> *is to challenge their very humanity*
> — Nelson Mandela

”All human beings are born free and equal in dignity and rights.”[1] Human rights are inherent to all human beings, regardless to their nationality, place of residence, sex, religious, ethnicity, language or any other status. Human beings are equally entitled to their human rights without any discrimination.

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1   Universal Declaration of Human Rights 1948.

The Declaration was adopted in the aftermath of the victorious war against Fascism and in a spirit of idealism. According to Abashidze Aslan H. it represents one of the most important international act, not only in the XX century, but in the human history. The fact that it was adopted, is an evidence of the change in the perception of law, it shows that powerful people started to listen to those in search for law protection.[2]

The human rights represent a big issue for every single human being. In period of peace we ingeniously tend to take them for granted and as a consequence we underestimate their importance. The concept of human rights becomes relevant to people when their everyday life is threatened. Human rights are most needed when they are most violated.

To protect human rights is to ensure that people receive some degree of decent, human treatment. International Human Rights Law, Humanitarian Intervention Law and Refugee Law protect the right to life and physical integrity and attempt to limit the unrestrained power of the state. These laws aim to preserve humanity and protect against anything that challenges people's health, economic well-being, social stability and political peace.

Nowadays, even if human rights are protected on an international level, the violation of those rights continues worldwide. Government response to the atrocities are disappointing, marked by lack of transparency and accountability and a disregard for human life. However, international human rights advocates remain tenacious, inciting massive protests and public condemnation in an effort to demand an end to the culture of impunity. Human Rights Watch Executive Director, Kenneth Roth reflects on the 2014 year in his introductory essay, "Tyranny's False Comfort: Why Rights Aren't Wrong in Tough Times": "Islamist extremists commit mass atrocities and threaten civilians throughout the Middle East and parts of Asia and Africa. Cold War-type tensions have revived over Ukraine, with even a civilian jetliner shot out of the sky. Sometimes it can seem as if the world is unraveling."[3] He writes that many governments have responded to the turmoil by downplaying or abandoning human rights, they began to view human rights as a "luxury for less trying periods." But, he says, retreating from such ideals and falling back on established relationships with strongmen, as many influential governments and important international actors have done, is both myopic and counterproductive.[4]

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. One of the successes of the Universal Declaration is that it changed the law of the participant states by making them more humanitarian. Taking as an example the right to life, "the intentional deprivation of life is very much the exception

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2   Universal Declaration of Human Rights — the greatest act in human history // Russian Yearbook of International Law. 2008 — St. Petersburg: GFR "Russian-Neva", 2009. — P. 209-214.
3   Human Rights Watch, 2015 Report, Tyranny's False Comfort Why Rights Aren't Wrong in Tough Times, Kenneth Roth.
4   Human Rights Watch, 2015 Report.

in peacetime"[5], over the course of the last 60 years, the ratification of the Universal Declaration of Human Rights led to 130 nations to abolish the death penalty.[6] The promotion and protection of human rights is one of the fundamental aims of the International Human Rights organizations. The setting of legal standards in the field of human rights and the establishment of mechanisms to control standards has been one the primary means of achieving this aim.

As the system has grown, it has faced challenges. These include delays in submission and/or consideration of reports, non-reporting, and duplication of reporting requirements among treaty bodies. Improving the effectiveness of the human rights treaty system has been an ongoing interest of individual treaty bodies, the meeting of chairpersons of human rights treaty bodies, the Commission on Human Rights and the General Assembly. These issues have also been the subject of the Inter-Committee Meeting. In his 2002 report, Strengthening the United Nations: an agenda for further change, the UN Secretary-General identifies further modernization of the treaty system as a key element in the United Nations goal of promoting and protecting human rights. He has called on the human rights treaty bodies to consider two measures: first, to craft a more coordinated approach to their activities and standardize their varied reporting requirements; and second, to allow each State to produce a single report summarizing its adherence to the full range of human rights treaties to which it is a party.

One of the steps in order to improve the effectiveness of the international human rights system is to achieve respect for established human rights. According to Council on foreign relations report on "The global Human Rights regime" it is problematic to realize it, as some of the worst aggressors of human rights have not joined central rights treaties or institutions, undermining the initiatives' perceived effectiveness. Moreover, negligence of international obligations is difficult to penalize. Furthermore, developing nations are often incapable of protecting rights within their borders, and the international community needs to bolster their capacity to do so strengthening the human rights regime will require a broadened and elevated UN human rights architecture. There is the need in a steady coalition between the global North and South in order to harmonize political and economic rights within democratic institutions. In the meantime, regional organizations and nongovernmental organizations must play a larger role from the bottom up, and rising powers must do more to lead.

From more personal perspective of a person coming from Moldova, I believe that there should be enforced the mechanisms of supervision of human rights infringements. The world community has the responsibility to step in and ensure that these rights are protected worldwide. Of course this costs: material resources in every case and human resources in some of them. One possibility would be to think of

5   The Right to Life and the Law of Armed Conflict, William Schabas, Russian Yearbook of International Law. 2013 — St. Petersburg: GFR "Russian-Neva", 2014. — P. 210-225.
6   Universal Declaration of Human Rights — the greatest act in human history, Abashidze Aslan H, Russian Yearbook of International Law. 2008 — St. Petersburg: GFR "Russian-Neva", 2009. — P. 209-214.

geographical proximity and those states, or group of states that are geographically close, or have similar culture or shared history, should have a special responsibility for protecting human rights on those territories. Other factors that would help in the process of effectiveness of international human rights system are: democratization of the society, the society involvement in the community life and in the decisions making process, the education of the population about the human rights, which are they and how to protect them.

Many experts credit intergovernmental organizations (IGOs) for remarkable results, particularly in civil and political rights. These scholars mention the creation of an assortment of secretariats, administrative support, and expert personnel to institutionalize and implement human rights norms. Overall, the United Nations (UN) remains the central global institution for developing international norms and legitimizing efforts to materialize them, but the number of actors involved has grown exponentially. The primary mechanisms include UNSC action, the UN Human Rights Council (UNHRC), committees of elected experts, various reporters, special representatives, and working groups. War crimes tribunals: the International Criminal Court (ICC), tribunals for the former Yugoslavia and Rwanda, and hybrid courts in Sierra Leone and Cambodia—also contribute to the development and enforcement of standards. All seek to raise political will and public consciousness, assess human-rights-related conduct of states and warring parties, and offer technical advice to states on improving human rights.

There is a need in improving the accessibility, responsiveness and effectiveness of the United Nations human rights communications system. "The ability of individuals to complain about the violation of their rights in an international arena brings real meaning to the rights contained in the Universal Declaration of Human Rights and the core conventions. The system of submitting communications to the international human rights system has evolved gradually, and is now both multifaceted — encompassing communications with Special Procedures, communications with Treaty Bodies, and communications with the Human Rights Council's confidential complaints procedure — and highly complex. At the same time, it is not always clear how effective this system is in dealing with the considerable demands placed upon it in today's interconnected world."[7] Understanding whether the United Nations human rights communications system is delivering effective remedy for those who need and seek international-level support is extremely important also because the communications system is the main portal through which victims can reach-out to and interact with the international human rights protection system.

I believe the protection of human rights is one of the main aims of the global governance. There can be no single solution to the question "How would you improve the effectiveness of the international human rights system", but all those mentioned above are our hope for durable and universal enjoyment of human rights.

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7   Universal Rights Group, Policy Dialogue: Improving the accessibility, responsiveness and effectiveness of the United Nations human rights communications system, 2015.