Legal Status and Instruments of Human Rights

- Explicit statements of human rights are most clearly associated with various international agreements—which derive their status from international law, i.e. “custom” and “treaty”

- Human rights claims are controversial because they are generally a claim on behalf of individuals against the state. Thus international standards of conduct represent assaults on state power and sovereignty by restricting what a state can do—even within its own borders.

- UN Charter represents the major starting point for understanding the legal emergence of human rights—Article 55

- But if the Charter serves as a constitution, it lacks a bill of rights——The Universal Declaration of Human Rights (UDHR) is basically this.

- European Court of Human Rights based on the European Convention on Human Rights

- Inter-American Commission for Human Rights (OAS)

- Organization of African States—Permanent Arab Commission on Human Rights

- The Helsinki Accord

- International Covenant on Civil and Political Rights (1966)