

International Protection of Human Rights

Exam II

3 December 2021

1. Reviewing the domestic implementation of international human rights law: describe and compare periodic state reporting under international human rights conventions and the Universal Periodic Review.
2. A majority of the population in Ruritania adheres to an old, traditional reading of the holy book of the national religion. The state and the religion are not separated, and penal law and family law are based on the ancient reading of the book. This has led to a situation where both national and international NGOs frequently criticise Ruritania for breach of its human rights obligations, including the right to equality and the prohibition of discrimination.

Ruritania is since 1990 Party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). After harsh criticism from the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), Ruritania made the following reservation in 2001:

“The Kingdom of Ruritania makes a reservation to all provisions of the CEDAW Convention which are not in accordance with the provisions of the traditional reading of our Holy Book and the national legislation in Ruritania.”

Discuss the validity and consequences of the above reservation of Ruritania, in light of what you have learnt of the regime of reservations.

3. Arcadia is a State in Latin America. It is a Member State of the Organisation of American States (OAS) since 2001. Most Arcadian political parties are proud of the constitutional protection of human rights in Arcadia. Contrary to many international and national NGO reports, they argue that domestic courts are well equipped to guarantee the citizens of Arcadia all the rights which can be found, among others, in the American Convention on Human Rights (AmCHR). Nevertheless, Arcadia has not acceded to the American Convention on Human Rights, nor to any of the other regional human rights conventions adopted within the framework of the OAS.

In Arcadia there are many active grass-roots civil society organisations which work for the protection of human rights. Those working with human rights organisations are however not aware of what, if any, procedures exist in the context of the American Commission on Human Rights as regards OAS Member States which are **not** parties to the AmCHR.

Please advise the Arcadian national human rights NGOs on this subject matter.

NB. The question concerns only the OAS, not the UN.

4. The so-called special procedures of the United Nations: describe and discuss the special procedures and place them within the framework of the United Nations Charter based protection of human rights.

GOOD LUCK