

### **TOPIC 3: THE EUROPEAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS**

### **TOPIC 4: THE INTER-AMERICAN SYSTEM**

### **TOPIC 5: THE AFRICAN SYSTEM**

These units deal with the three main regional systems for the protection of human rights in Europe; America and Africa. The question in the examination relating to any of them will normally be posed as a hypothetical question/case study or an essay type question. With regard to the three system, ensure that you are able to focus on the points discussed below and in the table.

**With reference to the three Regional Human Rights System- you must be able to discuss the following:**

- a) Conventions providing for various rights under each system and state if there are additional protocols or not and what they aim to address or achieve.
- b) Enforcement mechanisms available-whether it is courts or commissions or both.
- c) The jurisdiction of the courts/commissions.
- d) Who can bring cases before the court/commission? Explain in detail.
- e) Which cases are admissible?
- f) What are the remedies available?
- g) Are the decision of the court/commission enforceable?

The following table will assist you to answer the questions above. These are guidelines and require you to -read the conventions/treaties for a detailed discussion

ITEM	AFRICAN SYSTEM	INTER-AMERICAN SYSTEM	EUROPEAN SYSTEM
<b>FOUNDING INSTRUMENTS</b>	African Charter on Human and Peoples' Rights  Supplemented by the Protocol Establishing the Court	American Convention on Human Rights / OAS Charter / American Declaration of the Rights and Duties of men	<b>SELF -STUDY</b>
<b>CLASSES OF RIGHTS</b>	-Know the different classes of rights as they appear in the Convention (  <b>Is it all classes (Civil and Political; Economic social and cultural and Group rights</b> - If it's a hypothetical question identify the rights that have been infringed (e.g. right to vote; right to equality; etc.)	<ul style="list-style-type: none"> <li>• State the classes of rights as they appear in the Convention</li> <li>• <b>Is it all classes (Civil and Political; Economic social and cultural and Group rights</b></li> </ul>	
<b>ENFORCEMENT MECHANISM</b>	African Court and African Commission on Human and People's Rights -which Convention and provisions establish each one of them  <b>-Refer to provision establishing each one of them</b>	Inter –American Court and Inter-American Commission  <b>Refer to provision establishing each one of them</b>	
<b>MANDATE OF THE COURT AND COMMISSION</b>	Article 45 of the African Charter provides for the mandate of the Commission <ul style="list-style-type: none"> <li>• <b>Read and summarise the provision</b></li> </ul> Article 7 of the Protocol Establishing the Court provides for the mandate of the Court <ul style="list-style-type: none"> <li>• <b>Read and summarise the provision</b></li> </ul>	Article 106 of the Charter of the Organization	

<b>LOCUS STANDI BEFORE THE COMMISSION</b>	<p>This refer to who can approach the commission/court. Individuals as well as states have locus standi before the Commission.</p> <ul style="list-style-type: none"> <li>• <b>Read and summarise Article 47-49</b></li> </ul>	<b>SELF STUDY</b>	
<b>LOCUS STANDI BEFORE THE COURT</b>	<p><b>Article 5 of the Protocol Establishing the Court</b></p> <ul style="list-style-type: none"> <li>• Who can submit cases before the court?</li> <li>• Can individuals bring cases to the court- if so under what circumstances?</li> <li>• Can NGOs bring cases to the Court if so under what circumstances?</li> </ul>	<p><b>Article 61 of the American Convention</b></p> <p><b>Article 62 of the American convention</b></p> <p>-who can submit cases before the Inter American Court? -Can individuals bring cases to the Court?</p>	
<b>- JURISDICTION</b>	<ul style="list-style-type: none"> <li>- What is the jurisdiction of the court/Commission-jurisdiction is the ability of the court/commission to deal with a particular matter.</li> <li>- Check whether the courts/commission have contentious jurisdiction and advisory jurisdiction</li> <li>- Refer to relevant provisions of the charter and the protocol</li> </ul>	<b>SELF STUDY</b>	
<b>REMEDIES AND ENFORCEMENT BY THE COURT</b>	<ul style="list-style-type: none"> <li>- <b>What remedies can the Commission/Court give?</b></li> <li>- <b>Are the decisions of the commission binding</b></li> <li>- <b>Are the decision of the Court binding</b></li> </ul>	<b>Article 68 of the American Convention</b>	