

## The effectiveness of international human rights protection mechanisms

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**Abstract.** The study aimed to comprehensively examine the functioning of the international human rights protection system and identify its strengths and weaknesses. The methodological basis of the study was formed by formal legal, comparative legal, historical and legal, dialectical, systemic and structural-functional methods. The study provided a comprehensive analysis of the regulatory and institutional framework for the functioning of the international human rights protection system based on the study of key international legal acts, case law of international judicial and monitoring bodies, and scientific sources. The study identified the main achievements and problematic aspects in international human rights mechanisms in ensuring effective access to justice, proper investigation of violations and the effectiveness of control procedures. Based on the analysis, the study substantiated the role of the international human rights protection system in ensuring the rule of law and guaranteeing fundamental rights and freedoms of every individual. At the same time, the study proved the need to further improve and strengthen certain institutional and procedural elements of this system to increase its efficiency and ability to withstand new global challenges. The study emphasised the need to unite the efforts of the international community to strengthen the effectiveness of international human rights mechanisms, bring them in line with modern standards and realities, and ensure their full implementation at the level of national legal systems. The study demonstrated that only through coordinated and systematic cooperation

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of states, international organisations, and civil society institutions can real progress be made in human dignity and protection of the rights of every person on a global scale

**Keywords:** rule of law; judicial institutions; monitoring bodies; fundamental freedoms; institutional components; implementation

## Introduction

Effective human rights protection is one of the most important issues of our time, especially in the context of global challenges and threats. Despite the existence of an extensive system of international human rights mechanisms led by the United Nations (UN) and regional organisations, its ability to guarantee the strict observance of fundamental rights and freedoms of every individual is subject to considerable debate. The growing number and scale of human rights violations in different regions of the world, difficulties in implementing decisions of international courts, as well as new challenges related to the development of information technology, environmental threats, migration processes and geopolitical transformations, necessitate a thorough analysis of the effectiveness of existing international human rights instruments and the search for ways to improve them.

Recent scholarship provides a multidimensional view of the effectiveness of international human rights mechanisms. A.S. Chilton (2017) experimentally demonstrated that treaties can influence state behaviour, but their impact is conditional on domestic factors. C.S. Alexander and J. Todres (2021) highlight the need for data-driven monitoring to assess implementation gaps, reinforcing the importance of measurable accountability mechanisms. R. McCorquodale and J. Nolan (2021) assess human rights due diligence in business, noting limited enforceability and oversight, an issue that mirrors broader systemic weaknesses. P. Dąbrowska-Kłosińska (2021) stresses how emergencies, such as pandemics, expose the fragility of human rights protections, emphasising the need for institutional resilience. Z. Nampewo *et al.* (2022) argue for integrated efforts to fulfill the right to health, calling for stronger collaboration between states and civil society, an idea aligned with this study's conclusions. M. Douch *et al.* (2022) show that using human rights as conditionality in aid can enhance compliance but risks politicisation. Collectively, these studies reveal both the achievements and structural deficiencies of current mechanisms, supporting the need for institutional reform and international cooperation, as argued in this article. O.S. Kuchyk (2022) concluded that international security organisations must adapt structurally and legally to address modern threats like terrorism, cybercrime, and pandemics, emphasising better coordination and technological modernisation. The study noted the need to expand the mandate and strengthen the coordination of these organisations to effectively counter transnational threats to human rights. T. Landman (2020) concluded that despite increased global attention, progress in combating modern slavery remains limited. While data collection methods have improved, significant challenges persist due to definitional ambiguities, underreporting, and the hidden nature of slavery. The effectiveness of anti-slavery efforts has not substantially improved, primarily because legal frameworks and enforcement mechanisms often fail to keep pace with evolving forms of exploitation. K.A. Mingst *et al.* (2022) identified specific human rights challenges arising from globalisation, including the growing inequality between and within states,

the exploitation of migrant labour, and the weakening of state sovereignty in regulating transnational actors. In terms of new technologies, they highlighted threats such as mass surveillance, digital repression, and the misuse of artificial intelligence. Geopolitical shifts, according to the authors, have led to a decline in multilateral cooperation, rising authoritarianism, and weakened consensus on universal human rights norms. To address these challenges, the authors advocate for reforming global institutions by enhancing the authority and independence of UN human rights bodies, ensuring more equitable representation of Global South countries in decision-making, and increasing the enforcement capacity of human rights mechanisms through binding obligations and stronger accountability procedures.

Despite the considerable research on human rights issues, the issue of assessing the effectiveness of international human rights mechanisms remains insufficiently studied. Most studies address the normative and institutional aspects, omitting aside the problems of practical effectiveness and interaction with national systems. There is a lack of comprehensive studies that would offer a holistic vision of ways to reform the international human rights system considering current challenges. The study aimed to comprehensively analyse the effectiveness of international human rights mechanisms and identify areas for their improvement. The objectives of the study were:

- to identify the main problems that reduce the effectiveness of the international human rights protection system in practice;
- to summarise the experience and lessons learned from international human rights institutions;
- to substantiate ways to increase the effectiveness and adaptability of international human rights mechanisms to new challenges.

## Materials and methods

The methodological basis of the study of the effectiveness of international human rights protection mechanisms consisted of a set of general scientific and special legal methods. The systemic-structural method was used to analyse the regulatory and institutional framework for the functioning of the international human rights protection system. Comparative legal analysis of the practice of the European Court of Human Rights in the Cases No. 16798/90 "López Ostra v. Spain" (1994), No. 46468/06 "Aleksanyan v. Russia" (2009), No. 5878/08 "Armani Da Silva v. the United Kingdom" (2016), Inter-American Court of Human Rights (IACtHR) in the Cases "Velásquez Rodríguez v. Honduras" (1988), "Barrios Altos v. Peru" (2001), "Gomes Lund *et al.* ("Guerrilha do Araguaia") v. Brazil" (2010), "Gelman v. Uruguay" (2011), "Atala Rizzo and daughters v. Chile (Merits, Reparations and Costs)" (2012), Judgment of the African Court on Human and Peoples' Rights (AfCHPR) in the Case No. 003/2016 "Lazaro v. United Republic of Tanzania" (2023) were used to identify common features and differences in the interpretation and application of the

provisions of the relevant regional human rights treaties. These cases were selected for comparative legal analysis because they represent landmark judgements in the jurisprudence of each regional human rights court and address core principles relevant to the interpretation and application of human rights treaties.

The formal-legal method was used for dogmatic analysis of the provisions of International Covenant on Civil and Political Rights (ICCPR) (1966), International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), Resolution of the United Nations Human Rights Council No. 5/1 (2007) and others. The study also employed statistical data on the number of ratifications of the main international human rights treaties (Office of the UN High Commissioner for Human Rights, 2025a), the number and subject matter of individual complaints to human rights treaty bodies (Centre for Civil and Political Rights, 2023; Office of the UN High Commissioner for Human Rights, 2025b), indicators of the activities of regional human rights courts (Council of Europe, 2023; IACtHR, 2023; AfCHPR, 2023), as well as certain indicators of the functioning of the UN universal human rights mechanisms, including the number of UNHRC special procedures, coverage of states by the Universal Periodic Review, number of recommendations under the review, staff and budget of Office of the UN High Commissioner for Human Rights (OHCHR) (2023).

## Results

**Regulatory and institutional framework for the functioning of international human rights mechanisms.** Alongside universal human rights treaties, regional human rights systems are also in development, incorporating the specific characteristics of the regions concerned. The most effective is the European human rights protection system under the Council of Europe, based on the ECHR (1950) and the activities of the ECtHR. In contrast to UN treaty bodies, ECtHR decisions are binding on participating states and have significantly influenced the evolution of European human rights standards (Cook, 2020; Helfer & Land, 2022). The inter-American system, based on the American Declaration of the Rights and Duties of Man (1948), the American Convention on Human Rights (1969) and the activities of the Inter-American Commission on Human Rights (IACHR) and IACtHR, as well as the African system, based on the ACHPR (1981) and the functioning of the AfCHPR (Moeckli *et al.*, 2022), are less efficient in the context of political, legal, institutional and resource aspects.

The comparatively lower efficiency of the Inter-American and African human rights systems in political, legal, institutional, and resource dimensions has been substantiated by numerous scholars and international assessments. D. Moeckli *et al.* (2022) emphasise that both systems face significant challenges due to limited institutional capacities, underfunding, and political resistance from member states. Politically, some governments in Latin America and Africa have shown reluctance to comply with the judgements of their respective courts, often due to the sensitive nature of the cases, such as those involving accountability for past human rights abuses or systemic discrimination. Legally, both the IACtHR and AfCHPR operate within frameworks that allow states to withdraw recognition of their jurisdiction, thereby undermining the consistency and enforceability of decisions (Van Dijk & Van Hoof, 2023). Institutionally, these

courts suffer from restricted mandates, smaller secretariats, and a lack of robust follow-up mechanisms comparable to the Committee of Ministers in the European system. In terms of resources, both systems face chronic underfunding, with budgets that are insufficient to support comprehensive monitoring, outreach, and enforcement efforts (OHCHR, 2023). These structural limitations collectively reduce their ability to deliver timely, consistent, and enforceable human rights protection across their jurisdictions.

Notably, human rights mechanisms have been gradually developing within regional intergovernmental organisations in Asia and the Arab region (Patrichev, 2025). In 2009, under the leadership of the Association of Southeast Asian Nations (ASEAN), the ASEAN Intergovernmental Commission on Human Rights was established, and in 2012, the ASEAN Human Rights Declaration was adopted, which, however, has been criticised for insufficient consideration of universal standards (Mingst *et al.*, 2022). In 2009, the League of Arab States (LAS) established the Arab Human Rights Committee, which is mandated to review periodic reports of member states on their implementation of the Arab Charter on Human Rights (2004). However, such sub-regional mechanisms are still at the initial stage of their development and cannot be considered full-fledged human rights protection systems. These sub-regional mechanisms remain at an early stage due to limited mandates, lack of independent judicial bodies, and weak enforcement mechanisms. The ASEAN Intergovernmental Commission lacks the authority to receive individual complaints or issue binding decisions, reducing its effectiveness. Similarly, the Arab Human Rights Committee operates solely through periodic reporting without mechanisms for adjudication or sanctions. Additionally, both systems suffer from low levels of transparency, political interference, and insufficient alignment with universal human rights standards, which undermines their credibility and functionality as comprehensive protection systems.

Following Table 1, the workload of the regional human rights courts is uneven, with the ECtHR dominating in terms of both the number of applications filed and decisions on the merits. Thus, in the period 2019-2024, the ECtHR received an average of about 42 thousand applications annually, while the IACtHR and AfCHPR received only several applications per year. This is determined by several factors, including greater experience of operation and a higher level of trust in the ECtHR on the part of applicants; a wider range of rights provided for by the ECHR; the provision by ECHR member states of more effective mechanisms for the enforcement of ECtHR judgements at the national level, etc. The above statistics demonstrate that a significant gap in the workload and productivity of regional judicial mechanisms for the protection of human rights in 2019-2024 remains. The ECtHR continues to receive more complaints and issue several times more judgements on the merits than its Inter-American and African counterparts. Although the proportion of judgements finding states in breach of their obligations is high in all three courts (85-94%), the quantitative scope and geography of their activities are not comparable. This asymmetry is explained by both objective factors (the size of the population under the jurisdiction of the ECtHR, the level of legal culture and awareness of citizens about international protection mechanisms) and institutional characteristics of the courts themselves (budget, staff, procedural rules, etc.). As of 2024, the

population under the jurisdiction of the European Court of Human Rights (ECtHR), which includes the 46 member states of the Council of Europe, exceeds 670 million people (Taran & Hryha, 2024). In contrast, the Inter-American Court of Human Rights (IACtHR) covers 20 member states of the Organisation of American States (OAS) that have accepted its jurisdiction, amounting to approximately 630 million people. However, not all OAS states recognise the jurisdiction of the IACtHR, reducing the de facto protected population to around 420 million. The African Court on Human and Peoples' Rights (AfCHPR), despite the African

Union's much larger total population of over 1.4 billion, operates under even more limited jurisdiction: as of 2024, only 9 out of 55 AU member states have made the declaration allowing individuals and NGOs to bring cases directly before the Court, meaning that fewer than 300 million people effectively fall within its accessible jurisdiction. In any case, these data demonstrate the need to take measures to ensure a more even and optimal workload for regional human rights courts to increase the efficiency, accessibility and effectiveness of judicial protection of human rights in all regions of the world.

**Table 1.** Performance indicators of regional human rights courts (2019-2024)

| Court  | Applications filed (annual average) | Decisions made on the merits | Violations recognised (% of decisions on the merits) |
|--------|-------------------------------------|------------------------------|------------------------------------------------------|
| ECtHR  | 42.187                              | 8.954                        | 85.3%                                                |
| IACtHR | 36                                  | 152                          | 93.4%                                                |
| AfCHPR | 51                                  | 138                          | 94.2%                                                |

**Source:** compiled by the authors based on ECtHR (2024), IACtHR (2023), AfCHPR (2023), ECtHR (2024)

Alongside treaty bodies, the UNHRC and OHCHR are key in the international human rights protection system. The UNHRC, which replaced the UN Commission on Human Rights in 2006, is an intergovernmental body of 47 member states responsible for promoting universal respect for and protection of human rights worldwide. It holds regular sessions to discuss a wide range of thematic issues in the field of human rights, initiates international investigations in situations of gross and systematic violations, cooperates with special procedures (special rapporteurs, working groups, independent experts) mandated to monitor and make recommendations on specific categories of rights or countries (Landman, 2020; Ramcharan, 2021).

In 2019-2023, a significant increase in the number of UNHRC special procedures is notable, which indicates that the UN has strengthened monitoring and control over the situation in individual countries (Table 2). Between 2019 and 2023, the increase in the number of United Nations Human Rights Council (UNHRC) special procedures was particularly evident in countries experiencing severe and systemic human rights violations or undergoing political crises. Notably, mandates were expanded or newly established for countries such as Myanmar, Venezuela, Afghanistan, Ethiopia, and Belarus. In Myanmar, following the 2021 military coup and widespread reports of extrajudicial killings and repression of dissent, the UNHRC extended the mandate of the Special Rapporteur on the situation of human rights and intensified fact-finding activities. In Venezuela, deepening political repression, economic collapse, and the targeting of civil society actors led to the creation of an Independent International Fact-Finding Mission in 2019, tasked with investigating

serious violations including arbitrary detentions and torture. In Afghanistan, after the Taliban's return to power in 2021, the UNHRC appointed a Special Rapporteur to monitor violations of women's rights, freedom of expression, and reprisals against former government officials and civil society representatives. In Ethiopia, the armed conflict in the Tigray region prompted the establishment of the International Commission of Human Rights Experts on Ethiopia in 2021, focusing on war crimes and crimes against humanity committed by all parties to the conflict. In Belarus, the post-election crackdown in 2020 led to the renewal and expansion of the Special Rapporteur's mandate, focusing on political repression, restrictions on freedom of assembly, and the persecution of opposition figures. These cases reflect the UNHRC's reactive mechanism of expanding special procedures in contexts where international concern over grave or widespread human rights violations has intensified. At the same time, OHCHR's available resources remain limited despite the rapid increase in requests for monitoring human rights violations, providing technical assistance and conducting investigations. For instance, in 2023, the Office received 47% more requests to investigate serious human rights violations compared to 2019, and the number of requests for technical assistance increased by 35%. Despite the increase in the OHCHR budget since the beginning of 2010, the share of funding from the UN regular budget is decreasing, due to the overall reduction in contributions of member states to the UN regular budget and the reallocation of funds to other priority areas of the organisation, which increases the Office's dependence on voluntary contributions from individual donors and may negatively affect the independence of its activities (OHCHR, 2024).

**Table 2.** Selected indicators of the UN universal human rights mechanisms

| Metric                                                               | 2019  | 2020  | 2021  | 2022   | 2023  |
|----------------------------------------------------------------------|-------|-------|-------|--------|-------|
| Number of UNHRC thematic special procedures                          | 44    | 44    | 45    | 46     | 46    |
| Number of UNHRC country-specific special procedures                  | 12    | 11    | 12    | 13     | 14    |
| Countries covered by the Universal Periodic Review (UPR) (per cycle) | 193   | 193   | 193   | 193    | 193   |
| Recommendations made under the UPR (total)                           | 3.529 | 4.658 | 3.905 | 4.273  | 2.147 |
| OHCHR staff members                                                  | 1.419 | 1.370 | 1.395 | 1.488  | 1.525 |
| OHCHR budget (million USD)                                           | 321.5 | 227.2 | 379.5 | 4.52,7 | 489.1 |
| From the UN regular budget (%)                                       | 37.3% | 38.8% | 35.6% | 33.2%  | 32.5% |

**Source:** compiled by the authors based on OHCHR (2023; 2024)

The above data demonstrate certain positive trends in the activities of the UN statutory human rights mechanisms in 2019-2023 the expansion of the mandates of the UNHRC special procedures and the gradual increase in the OHCHR resource base. However, these developments are still insufficient in the scale of human rights challenges and the growing needs of states for monitoring, technical and advisory support. Although the number of thematic mandates of UNHRC special envoys and working groups has increased to 60, many of them face access restrictions to certain countries and lack funding to effectively carry out their functions (OHCHR, 2024). Despite the OHCHR's budget nearly doubling over the period (from 227.2 to 489.1 million USD), the share of funds from the UN regular budget decreased from 38.8% to 32.5%, increasing the Office's dependence on voluntary contributions from individual donors and undermining its stable functioning.

Thus, despite significant progress in the development of the regulatory and institutional framework, the efficiency of universal human rights mechanisms is still constrained by several systemic problems, including insufficient universality of the treaty framework, fragmentation and lack of coordination between bodies, lack of funding and staff, excessive length and bureaucracy of procedures, selectivity and politicisation of assessments (Masyhar & Emovwodo, 2023). To further strengthen and increase the effectiveness of the international human rights system, comprehensive institutional,

procedural and resource measures are needed to enhance its independence, professionalism and focus on the needs of victims of violations.

**Issues and challenges in the functioning of the international human rights protection system.** The development of the universal and regional human rights protection systems in 1993-2023 was characterised by the creation of new institutional mechanisms and the expansion of their mandates, but their practical effectiveness is constrained by several systemic institutional and functional problems. One of the most acute problems that reduces the effectiveness of the individual complaint mechanism in the UN treaty bodies is the excessive length of time for consideration of cases. Following Table 3, the average time for consideration of an individual communication from registration to final decision is 4 years at the UNHRC, 3.5 years – at CAT, 2.8 years – at CEDAW, etc. This is due to the overload of the committees, lack of resources and bad faith behaviour of states (OHCHR, 2023). Another substantial issue is the selective and politically motivated application of human rights standards by states and international institutions (Nowak, 2021; Smith, 2022). The UNHRC often blocks resolutions on violations in influential countries (the People's Republic of China (PRC), the Russian Federation (RF), Saudi Arabia) and makes politicised decisions regarding the West's "opponents" (the Democratic People's Republic of Korea, Iran, Syria) (Olashyn, 2023; Hryb *et al.*, 2023).

**Table 3.** Consideration of individual complaints by UN treaty bodies (as of 2024)

| Convention body | Complaints registered | Final decisions issued | Recognised violations | Average processing time (years) |
|-----------------|-----------------------|------------------------|-----------------------|---------------------------------|
| UNHRC           | 4.205                 | 1.615                  | 1.380                 | 4.0                             |
| CED             | 70                    | 29                     | 21                    | 2.5                             |
| CERD            | 68                    | 41                     | 25                    | 2.0                             |
| CEDAW           | 210                   | 75                     | 51                    | 2.8                             |
| CAT             | 1.159                 | 393                    | 211                   | 3.5                             |

**Source:** compiled by the authors based on Centre for Civil and Political Rights (2024), OHCHR (2025c)

Between 1950 and 2023, global and regional human rights protection systems developed a huge body of case law that significantly influenced the development of international standards in this area. Thanks to the activities of treaty and statutory bodies, in particular the ECtHR and the IACtHR, a solid practice of interpreting and applying the provisions of key international human rights treaties was established. Table 4 shows that the ECtHR and IACtHR case law are characterised by a dynamic and evolutionary

approach to the interpretation of the ECHR and ACHPR provisions, respectively, which can be used to adapt the protection of the rights envisaged therein to modern realities. This is manifested, among other things, in the gradual expansion of the scope of certain conventional rights by including new aspects (positive state obligations, procedural requirements, environmental and private law (horizontal) components, etc.) and new categories of media in their content (Sunga, 2021).

**Table 4.** Separate legal positions of the ECtHR, IACtHR and AfCHPR on the evolutionary interpretation of Convention rights

| Judicial institution | Case                                         | Legal position                                                                                                                                                                                                                    |
|----------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ECtHR                | Aleksanyan v. Russia (2008)                  | Failure to provide adequate medical care to detainees may constitute a violation of Article 3 of the ECHR (prohibition of torture)                                                                                                |
| ECtHR                | Armani Da Silva v. the United Kingdom (2016) | Article 2 of the ECHR (right to life) provides for the state's obligation to conduct effective investigations into deaths resulting from the use of force by the authorities.                                                     |
| ECtHR                | López Ostra v. Spain (1994)                  | Serious environmental pollution can affect people's well-being and interfere with the enjoyment of their homes, adversely affecting their private and family life, even without a serious threat to their health (Article 8 ECHR) |
| IACtHR               | Atala Rizzo and daughters v. Chile (2012)    | Sexual orientation and gender identity are categories protected from discrimination under Article 1(1) of the ACHPR                                                                                                               |

Table 4, Continued

| Judicial institution | Case                                         | Legal position                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IACtHR               | Velásquez Rodríguez v. Honduras (1988)       | The Court firmly endorsed an evolutionary (dynamic) interpretation of the American Convention on Human Rights. The Court emphasised that the Convention is a “living instrument” that must be interpreted in light of contemporary values and the evolving standards of human rights protection. The Court reinforced that the Convention evolves over time to remain effective in protecting human rights. |
| AfCHPR               | Lazaro v. United Republic of Tanzania (2023) | The imposition of the mandatory death penalty, omitting the circumstances of the case, is a violation of the right to life and the right to a fair trial (Articles 4 and 7 of the ACHPR).                                                                                                                                                                                                                   |

Source: compiled by the authors based on ECtHR (1994; 2008; 2016), IACtHR (2012), AfCHPR (2023)

The practice of international judicial protection has become a powerful catalyst for improving national legislation and law enforcement in the state's parties to the relevant conventions. Thus, under the influence of the ECtHR's pilot decisions, many ECHR member states (Italy, Poland, Ukraine, Moldova, etc.) have carried out structural and legislative reforms that have eliminated systemic human rights violations caused by shortcomings in the legal system and administrative practice (OHCHR, 2023). Thanks to the decisions of the IACtHR, several Latin American countries have decriminalised defamation, expanded the rights of indigenous peoples, strengthened procedural guarantees for defendants, and enhanced the protection of the rights of women and LGBT communities. The AfCHPR's decisions (2023) contributed to the abolition of the death penalty (Tanzania), the adoption of anti-discrimination legislation (Côte d'Ivoire), the expansion of voting rights (Tanzania, Kenya), and more.

At the same time, the realisation of the potential of regional human rights mechanisms is still constrained by several institutional and procedural problems. These include, in particular:

- ▶ overloading of the ECtHR due to an excessive number of individual complaints from certain problematic jurisdictions;
- ▶ insufficient use of the ECtHR's pilot judgements and friendly settlement procedure;
- ▶ limited jurisdiction (*ratione temporis*) of the IACtHR;
- ▶ the possibility of a state's withdrawal from the jurisdiction of the IACtHR and AfCHPR by denouncing optional declarations recognising the competence of courts to receive individual complaints, as exemplified by Venezuela's withdrawal from the IACtHR in 2013 and Rwanda's revocation of its declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights (1998) in 2016, both of which significantly limited individual access to justice and undermined the authority of the respective courts (OHCHR, 2023; Van Dijk & Van Hoof, 2023).

The issues of ensuring timely and full enforcement of judgements of regional human rights courts at the national level also remain significant. Even in Europe, where the enforcement mechanisms of ECtHR judgements are the most effective among regional systems, as of 2022, 5,672 cases concerning general measures (structural and systemic problems) were under supervision by the Committee of Ministers of the Council of Europe (Council of Europe, 2023). One of the main reasons for the delay in the implementation of ECtHR judgements by states is the lack of special legislation in many countries that would provide for specific procedures for reviewing cases in exceptional circumstances. For instance, in the post-Soviet states, this problem is particularly noticeable due to the inherited features of legal systems,

such as strict centralisation of justice, limited opportunities for review of court decisions after they enter into force, and insufficient implementation of international standards (Petersone *et al.*, 2021). Moldova, Armenia and Azerbaijan have long lacked clear procedures for reopening proceedings, which has led to systematic delays in the enforcement of ECtHR judgements.

Similar problems hinder the implementation of the decisions of the IACtHR and the AfCHPR, which have additional specific difficulties due to the somewhat different nature of these bodies. Politically motivated reluctance of some states to comply with IACtHR judgements is often expressed through legal obstructions, constitutional arguments, or discretionary political practices aimed at avoiding implementation (Makhambetsaliyev *et al.*, 2024). These tactics are particularly visible in cases involving state violence, high-level corruption, or transitional justice. For example, in case “Gomes Lund *et al.* (“Guerrilha do Araguaia”) v. Brazil” (2010), the IACtHR ordered Brazil to investigate and prosecute crimes committed during the military dictatorship, including forced disappearances. However, Brazilian authorities invoked the Law of Brazil No. 6.683 “On the Amnesty”. (1979) to justify the non-prosecution of perpetrators, arguing that domestic legislation precluded retroactive criminal liability. Despite the Court's clear ruling that such amnesties violate international human rights obligations, the Brazilian Supreme Court reaffirmed the validity of the Amnesty Law in 2010, effectively blocking compliance. In “Gelman v. Uruguay” (2011), involving enforced disappearance during the Uruguayan dictatorship, the state initially resisted compliance by claiming constitutional constraints and legal uncertainty surrounding the nullification of its own amnesty law. Although Uruguay later adopted partial legislative reforms, these were delayed and politically contested, illustrating how states can invoke legal pluralism and domestic constitutional hierarchy to delay or dilute implementation. Another example is “Barrios Altos v. Peru” (2001), where the IACtHR found Peru's amnesty laws for perpetrators of extrajudicial executions unconstitutional. While initially complied with under democratic governments, subsequent administrations showed reluctance to fully prosecute those involved, citing political instability and reconciliation concerns. These examples demonstrate that states often use legal mechanisms such as amnesty laws, constitutional supremacy arguments, or judicial review procedures, as well as political strategies including selective enforcement, delays in legislative reform, and rhetorical framing of human rights obligations as foreign impositions, to resist compliance with politically sensitive IACtHR rulings.

In turn, among the main problems of the implementation of AfCHPR decisions are: high levels of poverty and social

exclusion in African countries, which significantly complicates access to justice and legal aid for victims of violations; limited financial and human resources of the AfCHPR to comprehensively monitor the implementation of its decisions; underdeveloped infrastructure and lack of awareness of national authorities about the procedures for interaction with the AfCHPR (Moeckli *et al.*, 2022). Among the factors that most reduce the effectiveness of international human rights mechanisms, several key issues are worth noting. Systematic long-term underfunding significantly limits the work of the OHCHR, regional courts and conventional bodies, as their budgets and staffing are extremely insufficient compared to the scope of their tasks. The main reasons for this financial situation are failure of states parties to fulfil their contributions to the budget of international organisations; lack of sustainable funding mechanisms that would be protected from political influence; and low priority of human rights activities compared to other areas of international co-operation. This affects the number and quality of monitoring activities, field missions, the possibility of engaging experts and interaction with victims of violations (OHCHR, 2025c).

Lack of independence and professionalism also remains a significant problem. The procedures for selecting judges, committee members and special procedure mandate holders are still too dependent on political bargaining by states, and the lack of transparency in these processes negatively affects the professionalism and integrity of the appointees. Their selectivity and politicisation significantly undermine the effectiveness of the mechanisms. The adoption of resolutions and decisions on situations in individual countries is often dictated by political motives rather than objectivity (Khamzin *et al.*, 2015). The “double standards” and the practice of “vindictive justice” significantly weaken the legitimacy of human rights institutions (Resolution of the Parliamentary Assembly of the Council of Europe No. 2075, 2015). Fragmentation and lack of coordination also remain pressing challenges. Despite attempts to establish dialogue and cooperation between universal and regional, political and legal, intergovernmental and civil society human rights mechanisms, they still operate in a fragmented and uncoordinated manner. A separate problem is the enforcement of decisions. Even the most advanced and progressive decisions and recommendations of human rights bodies remain “on paper” without effective national mechanisms and procedures for their implementation, both legislative and institutional (European Implementation Network, 2020). Low public awareness and involvement also creates issues to the effective functioning of the system. Most people, including victims of violations, are mostly unaware of the possibilities of international protection and the practice of human rights institutions. Institutions do not sufficiently interact with NGOs, media, and human rights defenders, who could be “broadcasters” of their activities.

**Areas for improvement of international human rights protection mechanisms.** The current institutional structure of the international human rights protection system, though significantly evolved, remains insufficiently responsive to the procedural, legal, and political challenges it faces. To ensure both legitimacy and effectiveness, reform efforts must be grounded in legal precision, comparative practice, and theoretically sound rationale. The excessive duration of individual complaint reviews, e.g., 4 years on average at the UN Human Rights Committee, necessitates

procedural optimisation. It is recommended to amend the Rules of Procedure of the Human Rights Committee (2019) by introducing:

- a new Rule 92(3): “Individual communications shall be considered within 24 months from registration, unless exceptional circumstances justify an extension”;
- a revised Rule 96, allowing manifestly inadmissible communications to be dismissed through a simplified written procedure without plenary deliberation.

Such practices already exist in the European Court of Human Rights (ECtHR) under Rule 54A of the Rules of Court (European Court of Human Rights, 2025), allowing a single judge to declare inadmissibility. Empirical research by G. Keller and H. Ulfstein (2012) has shown this procedural streamlining significantly reduces backlog. Also the current politicised selection of treaty body members reduces expertise and diversity. The proposal is to model reform after Resolution of the Parliamentary Assembly of the Council of Europe No. 2009(2014) (2014), which established an Advisory Panel to evaluate candidates for the ECtHR. The UN could adopt a similar mechanism under Resolution Adopted by the General Assembly of UN No. 68/268 (2014), which already provides a reporting framework on treaty body elections. A revised process should require:

- public nomination calls;
- minimum criteria for expertise in international law (e.g., 10 years of relevant experience, peer-reviewed publications);
- regional balance and gender parity quotas, in line with the Addis Ababa Guidelines (Report of the Chairs of the..., 2012).

These reforms align with the norm spiral theory (Risse *et al.*, 1999), which posits that internalisation of human rights norms requires institutional consistency and reduction of the “compliance gap.” The discussion on improving international human rights protection mechanisms focuses on the need to ensure both procedural efficiency and institutional legitimacy. The current system faces challenges such as excessive length of proceedings, lack of expertise among members of treaty bodies, and poor compliance with good governance standards. The ECHR’s experience suggests that it would be advisable to simplify procedures and introduce tools for preliminary screening of complaints in order to reduce the workload. At the same time, the composition of bodies should be based on transparent selection, clear professional criteria and principles of institutional balance. The proposed reforms are based not only on comparative analysis, but also on conceptual models that emphasise the role of internal consistency of norms for the effective implementation of human rights at the global level.

## Discussion

The analysis of the regulatory and institutional framework, practical problems of functioning and areas for improvement of the international human rights protection system provided several important conclusions and generalisations. As evidenced by an analysis of states’ participation in core universal human rights treaties, despite fairly high ratification rates for “classic” conventions (ICESCR, ICCPR, Convention on the Elimination of all Forms of Discrimination Against Women, Convention on the Rights of the Child, with over 170 participants), many specialised treaties aimed at protecting the most vulnerable categories (International

Convention on the Protection of the Rights of All..., 2006) have an extremely low level of recognition (from 57 to 70 participants). This trend is generally consistent with the findings of other researchers regarding the fragmentation of the treaty framework and the selective approach of states to participation in human rights treaties (Nowak, 2021; Smith, 2022). At the same time, the data obtained suggest that insufficient participation in individual treaties is a more acute problem than mere formal accession to them.

An analysis of the performance of regional human rights courts has revealed striking disproportions in their workload and capacity: with almost the same proportion of decisions finding violations, the ECtHR receives hundreds of times more complaints and issues ten times more decisions on the merits than the IACtHR and AfCHPR. A similar imbalance was previously noted by other authors. L.R. Helfer and M.K. Land (2022), in a study on the organisational and functional structure and jurisdiction of human rights courts, explained such imbalances by a complex of historical, institutional and procedural factors. However, the results presented prove that even with a significant time lapse and certain reform efforts, this gap does not show any tendency to narrow and therefore requires more decisive and systematic measures by the courts themselves, states and civil society.

The study also revealed significant gaps in the activities of the UN universal conventional and statutory human rights bodies. In particular, the data on the consideration of individual complaints by the committees indicate that this procedure takes an excessive amount of time, which averages 2-4 years. This creates significant obstacles to victims' access to international justice and negatively affects the effectiveness of the relevant mechanisms (Global Alliance of National Human Rights Institutions, 2022). At the same time, some cases demonstrate that even in the face of overload and resource constraints, the conventional bodies can promptly and effectively consider high-profile cases and ensure the real restoration of victims' rights at the national level (the case of Spain).

The analysis of certain performance indicators of the UN statutory human rights bodies has demonstrated some progress in building their normative and institutional capacity, in terms of expanding the mandates of the UNHRC special procedures. At the same time, there is a negative trend towards a decrease in the share of the OHCHR budget covered by regular contributions (from 38.8% to 32.5%) and a corresponding increase in its dependence on voluntary funding from individual donors. These findings are consistent with the conclusions of other researchers regarding the risks to OHCHR's independence and impartiality in the context of chronic underfunding. Such warnings were expressed by P. Dąbrowska-Kłosińska (2021), highlighting threats to the autonomy and professionalism of human rights bodies in the context of budgetary constraints.

The study not only systematised and supplemented theoretical developments on the current state of the international human rights protection system but also formulated several practically oriented recommendations to address the identified shortcomings and gaps. The proposed measures for procedural optimisation of the consideration of individual complaints, strengthening the independence of special procedures, depoliticising the UNHRC decision-making process, and enhancing coordination between international and national human rights mechanisms are consistent with the approach of J. Donnelly and D. Whelan (2020), who

emphasised the importance of systematically improving international human rights mechanisms to address the interests of the most vulnerable groups. At the same time, some of the recommendations on establishing compulsory jurisdiction of the conventional bodies as a criterion for membership in the UNHRC, are quite innovative and potentially sensitive for many states, and therefore will require additional advocacy by civil society (Sopelnyk, 2025). At the same time, despite the practical value of the results, they are only partially consistent with the findings of other researchers. While G. Alfredsson and A. Eide (2023) also emphasised the importance of civil society involvement in the implementation of international human rights standards, A. Masyhar and S. Emovwodo (2023) addressed the role of state institutions in this process, omitting non-state actors.

The results partially correlate with the research of T. Landman (2020), emphasising the need to combine quantitative and qualitative methods for a comprehensive assessment of the effectiveness of human rights mechanisms. However, in contrast to T. Landman (2020), who focused mainly on the methodological aspects of measuring the human rights situation, the present study offers specific tools for assessing the institutional capacity of international mechanisms and develops practical recommendations for addressing the identified shortcomings. The findings on regional disparities in the functioning of the international human rights system extend the observations of D. Moeckli *et al.* (2022), who mainly addressed formal institutional differences between regional systems rather than practical aspects of their operation. While authors only stated the structural features of different regional courts, this study demonstrated that these differences cause significant differences in the actual access to international justice for victims of violations and require systemic measures to equalise protection standards.

The proposed directions for improving international human rights mechanisms complement the approach of J. Ife *et al.* (2022), which addressed the substantive elements of reform, leaving procedural and institutional aspects unaddressed. In contrast to the study by J. Ife *et al.* which primarily consider the normative dimension of international human rights protection, the present study proposed a comprehensive approach that includes both the improvement of substantive standards and the reform of procedural and institutional mechanisms for their implementation, with a special emphasis on strengthening the role of civil society in these processes.

## Conclusions

The study comprehensively analysed the regulatory and institutional framework, practical problems of functioning and areas for improvement of the international human rights protection system at the present stage. The study established that despite the progressive development of treaty and institutional mechanisms for the protection of human rights at the universal and regional levels, their practical effectiveness is significantly constrained by several systemic factors of a procedural, institutional and implementation nature.

The analysis of the participation of states in the main universal human rights treaties has shown a certain fragmentation of the treaty framework, due to the relatively low level of ratification of the newest specialised conventions despite the rather high rates of accession to the "classical" treaties. The study also revealed significant disproportions in the workload of regional human rights courts: with

almost the same share of judgements recognising violations of state obligations, the ECtHR receives and considers ten times more complaints than the IACtHR and AfCHPR. The study established that the excessive length of consideration of individual communications by UN treaty bodies (2-4 years) significantly impedes victims' access to international justice. Despite some progress in expanding the human rights mandates of the UNHRC special procedures, there is a negative trend towards reducing the share of regular budget funding for the OHCHR, which increases the risk of its dependence on voluntary contributions from individual donors. The study demonstrated that due to the flexible evolutionary interpretation of human rights treaty norms enshrined in the case law of the ECtHR, IACtHR and UN conventional bodies, it is possible to adapt the scope of their protection to modern realities by identifying new normative elements in the content of established rights. The author proved that consistent implementation of these approaches at the national level through legislative and institutional reforms is a powerful catalyst for eliminating systemic violations and establishing effective human rights mechanisms.

Based on the identified shortcomings of the international human rights system, several practically oriented

recommendations have been developed to optimise the procedures for consideration of individual complaints, strengthen the independence and professionalism of human rights bodies, universalise the treaty framework and recognise the competence of conventional institutions. The author emphasises the need to consolidate the efforts of states, international organisations and civil society institutions in promoting systemic reform of universal and regional human rights mechanisms based on independence, transparency and sustainable funding. Promising areas for further research include a comparative analysis of the interaction of regional and universal human rights systems, as well as the study of the conditions for the introduction of compulsory jurisdiction of international bodies over individual complaints.

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## Ефективність міжнародних правозахисних механізмів захисту прав людини

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**Анотація.** Дослідження мало на меті комплексно розглянути функціонування міжнародної системи захисту прав людини та виявити її сильні та слабкі сторони. Методологічну основу дослідження склали формально-правовий, порівняльно-правовий, історико-правовий, діалектичний, системний та структурно-функціональний методи. Дослідження забезпечило комплексний аналіз нормативно-правової та інституційної бази функціонування міжнародної системи захисту прав людини на основі вивчення ключових міжнародно-правових актів, практики міжнародних судових та моніторингових органів, наукових джерел. У дослідженні визначено основні досягнення та проблемні аспекти міжнародних механізмів захисту прав людини у забезпеченні ефективного доступу до правосуддя, належного розслідування порушень та ефективності процедур контролю. На основі аналізу дослідження обґрунтувало роль міжнародної системи захисту прав людини у забезпеченні верховенства права та гарантуванні основоположних прав і свобод кожної людини. Водночас дослідження довело необхідність подальшого вдосконалення та зміцнення певних інституційних та процедурних елементів цієї системи для підвищення її ефективності та здатності протистояти новим глобальним викликам. У дослідженні наголошено на необхідності об'єднання зусиль міжнародної спільноти для посилення ефективності міжнародних механізмів захисту прав людини, приведення їх у відповідність до сучасних стандартів та реалій, а також забезпечення їх повного впровадження на рівні національних правових систем. Дослідження продемонструвало, що лише завдяки скоординованій та систематичній співпраці держав, міжнародних організацій та інститутів громадянського суспільства можна досягти реального прогресу у сфері людської гідності та захисту прав кожної людини у глобальному масштабі.

**Ключові слова:** верховенство права; судові установи; органи моніторингу; основоположні свободи; інституційні компоненти; впровадження