Close to Home: Introductory Thoughts on the Emergence of Regional Human Rights Systems

Katarzyna ZOMBORY

Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world (...) Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.
Eleanor Roosevelt[1]

ABSTRACT

This paper examines the development of universal and regional human rights systems as constituent elements of the international human rights architecture. It demonstrates how the creation of the universal human rights framework under the auspices of the United Nations, particularly its protracted formation, ideological compromises, and limited enforcement mechanisms, gave rise to the emergence of regional human rights systems. While grounded in the principles of the Universal Declaration of Human Rights, regional systems in the Americas, Europe, and Africa have adapted universal norms to distinct historical, cultural, and socio-economic contexts and have introduced judicial enforcement mechanisms. The paper argues that regional human rights systems do not undermine universality but instead operationalise it by translating the universally shared human rights framework into local contexts.

KEYWORDS

Universal Declaration of Human Rights, regional human rights systems, Inter-American system of human rights, African system of human rights, Asian perspective on human rights

1. The International Bill of Rights – A Universal Standard With Regional Roots

Between 1947 and 1948, a drafting committee of the United Nations Commission on Human Rights (UNCHR), composed of nine members representing different legal

1 Chair of the Drafting Committee established by the UN Commission on Human Rights to draft the Universal Declaration of Human Rights, at the presentation in the United Nations, New York, on 27 March 1958, source: Office of the High Commissioner for Human Rights, 2012.

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traditions and cultural perspectives, successfully crafted a landmark international document – the Universal Declaration of Human Rights (UDHR).[2] Proclaimed by the UN General Assembly as a 'common standard of achievement' for all peoples and nations in the field of human rights protection, the UDHR appealed to every individual and organ of society to strive to 'promote respect for these rights and freedoms, and by progressive measures (...) to secure their universal and effective recognition and observance.' The UDHR, together with the Charter of the United Nations,[3] has established itself as a fundamental element of the international order and, despite its non-treaty nature, has over time acquired the status of customary international law, binding on all states.[4] The UDHR's incorporation into customary international law reflects the existence of a general and consistent practice of states, which they follow from a sense of legal obligation. This achievement would not have been possible without a broad consensus among nations with diverse cultural, religious, historical and legal traditions, affirming that certain fundamental principles are intrinsic to human nature and inherent in human dignity, thus universally shared across all cultures.

The UDHR was followed by the adoption of two international treaties, which elaborated upon its catalogue of human rights and equipped them with binding force: the 1966 International Covenant on Civil and Political Rights (ICCPR)[5] and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR).[6] The UDHR, together with the ICCPR and the ICESCR, constitutes the International Bill of Rights. This framework is based on the premise that all human rights are universal, indivisible, interdependent and interrelated. While the universality of human rights provides that everyone is born with and possesses the same rights, regardless of age, gender and religious, cultural or ethnic background, the principles of indivisibility and interdependence emphasise that all rights are equally important and that none can be fully enjoyed without the others. Accordingly, the UN has stressed that all states, regardless of their political, economic and cultural systems, have the duty to respect all human rights and freedoms equally and with the same emphasis. However, along with promoting the universality and interdependence of human rights, the UN has

2 Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly in Paris on 10 December 1948, General Assembly resolution 217/A.
3 Charter of the United Nations, adopted in San Francisco on 26 June 1945, XV UNCIO 335.
4 Shelton and Carozza, 2013, p. 6; O'Boyle and Lafferty, 2013, p. 204.
5 International Covenant on Civil and Political Rights, adopted in New York on 16 December 1966, UN Treaty Series No. 14668.
6 International Covenant on Economic, Social and Cultural Rights, adopted in New York on 16 December 1966, UN Treaty Series No. 14531.

consistently underscored that the significance of national and regional particularities and diverse historical, cultural and religious backgrounds must be borne in mind.[7]

The adoption of the International Bill of Rights was not without challenges. Despite the strong commitment and efforts of the international community to establish a universal framework of human rights anchored 'in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small' (Preamble of the UN Charter), this vision could not be realised within a short period. Nearly two decades elapsed between the UNCHR undertaking the work on a preliminary draft of the international bill in 1947[8] and the adoption of two international treaties in 1966. It took another decade before these treaties entered into force in 1976. The UN's long-stalled and protracted efforts to complete the International Bill of Rights gave significant impetus for the development of regional human rights systems,[9] given that a regional consensus could be reached more quickly.

Due to significant differences of views on certain legal issues, such as the nature of state obligations regarding the implementation of various human rights, it was not possible to incorporate all the rights and freedoms recognised in the UDHR into a single treaty, the Covenant on Human Rights, as initially envisaged.[10] Thus, it was decided to compose two separate treaties, one focusing on civil and political rights and the other encompassing economic, social and cultural rights. Nonetheless, both treaties were to contain as many similar provisions as possible and be opened for signature at the same time to emphasise the unity of their aim – to ensure respect for and observance of all human rights.[11] The key difference between the two documents lies in the nature and immediacy of the obligations they imposed on states parties. While the ICCPR required the states to give immediate effect to the rights and freedoms included therein and ensure their enforceability, the full realisation of the rights contained in the ICESCR was to be achieved progressively and was dependent on states' resources. Consequently, only the ICCPR was initially accompanied by an Optional Protocol, allowing for a mechanism of individual complaints, a protocol which was opened for signature in 1966 alongside the ICCPR and ICESCR.[12] The Optional Protocol, allowing individuals to file complaints under the ICESCR, was adopted more than

7 See, for example: UN General Assembly Resolution 421 (V) on the Draft International Covenant on Human Rights and measures of implementation: future work of the Commission on Human Rights, 4 December 1950, A/RES/421(V), Preamble of Part E; UN General Assembly Resolution 60/251 creating the UN Human Rights Council, 15 March 2006, A/RES/60/251; Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights in Vienna.

8 The first session of the Commission on Human Rights was held in New York between 27 January and 10 February 1947 (E/259).

9 Shelton and Carozza, 2013, p. 12.

10 UN General Assembly Resolution 543 (VI) on the Preparation of two Draft International Covenants on Human Rights, 5 February 1952, A/RES/543(VI), Preamble.

11 Ibid., para. 1.

12 Optional Protocol to the International Covenant on Civil and Political Rights, adopted on 16 December 1966 by General Assembly resolution 2200A (XXI), entered into force on 23 March 1976.

four decades later in 2009.[13] The ideological and conceptual disagreement, although constructively overcome by splitting the normative content of the UDHR into two treaties, revealed that the universal human rights system could not be equipped with a strong enforcement mechanism.[14] The judicial supervision of the implementation of internationally guaranteed human rights, allowing for judicial procedures of redress, needs to be ensured at the regional levels.

Apart from the divergence in perspectives on legal concepts, the ideological background of the drafters, too, influenced the creation of the universal International Bill of Rights. Among the fundamental questions surrounding the conceptual approach to human rights, which emerged during the UDHR's drafting, was whether the cornerstone document should be founded on religious values or be secular. While some countries insisted on inserting a reference to God or natural law, as a source of the natural rights inherent to all human beings, the representatives of the Soviet Union and China strongly supported the concept of positive rights and insisted, in the name of universalism, on the removal of all allusions to nature and God from the UDHR.[15] The latter approach prevailed; as a result, the foundations of the universal system of human rights protection were intentionally designed to remain neutral. Nonetheless, the UDHR's Preamble and Article 1 convey principles underpinned by the natural rights theory.[16]

The following anecdote vividly illustrates the intercultural challenges faced by the UDHR's drafters throughout their work:

> 'Humphrey [Director of the UN Division of Human Rights, Australia – author's note] and Roosevelt [Chairwoman of the Commission on Human Rights, US] each recalled the group meeting only once during which the deep philosophical divisions between Malik [Rapporteur of the Commission on Human Rights, Lebanon] and Chang [Vice-Chair of the Commission on Human Rights, China] became apparent. Malik, a devout Christian, believed the question of rights should be approached through Christian precepts, especially the teachings of St. Thomas Acquinas. Chang argued for a broader approach and suggested, tongue in cheek, that Humphrey, before he prepared the first draft, go to China for six months to study Confucianism. Roosevelt, who on her own

13 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted on 10 December 2008 by General Assembly resolution A/RES/63/117, entered into force on 5 May 2013.

14 Lerner, 2024, pp. 25–26; Shelton and Carozza, 2013, p. 12.

15 Li-Ann, 2024, p. 4. [Online]. Available at: https://research.un.org/en/undhr/draftingcommittee (Accessed: 21 May 2025).

16 Article 1 of the UDHR: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood' For an excellent analysis of the relation between natural law and the notion of the inherent rights of man in the context of the adoption of the International Bill of Rights, see: Lauterpacht, 2013, pp. 2–53.

admission found herself somewhat out of her depth in these difficult discussions, remained silent and poured tea.'[17]

The UDHR's drafting process witnessed several ideological debates. The supporters of the individualist approach, notably from Western countries influenced by the liberal theory, opted for an individualist approach to human rights, while those with a socialist worldview argued in favour of the collectivist vision of rights, according to which the rights of the collective dominate those of an individual. The final text reflects a fundamentally individualistic stance. Nevertheless, at some points, it is reminiscent of the collectivist worldview, such as in the wording of the right to property under Article 17, which recognises that property can be owned individually as well as communally. The communitarian perspective is prominently present in Article 29, which stresses that everyone has duties to the community, and the free and full development of personality is possible only in a community. This second-to-last provision of the UDHR reflects the recognition that human beings are not solely autonomous, isolated individuals; rather, they belong to larger communities, such as the family, social group and nation – an approach closely aligned with certain regional perspectives and hierarchy of values, especially in African and Asian contexts.

The character of the socio-economic rights revealed another strong ideological divide within the UNCHR, which influenced the drafting process. While normative provisions on social welfare were not unusual in certain regions, such as the Soviet Union and Latin American states, in other legal cultures, such as the United States and other Western democracies, socio-economic guarantees were perceived as aspirational goals, not enforceable rights.[18] While the North Atlantic nations sought to exclude the socio-economic rights from the UDHR, the representatives of the Latin American states put forward compelling arguments in favour of their inclusion, arguing that these rights were essential for genuine equality and should be afforded equal importance alongside civil and political rights. The final version included several provisions related to socio-economic and cultural rights, such as the right to work, equal pay, favourable working conditions and the right to form trade unions (Article 23), the right to an adequate standard of living (Article 24), and to participate in the cultural life (Article 25). However, as noted, instead of completing the International Bill of Rights as a binding instrument, the divergence of views on the legal nature of different human rights led to the creation of two separate human rights treaties.

Although the works of the Drafting Committee of the UNCHR became a forum for various legal and ideological debates, the UDHR protects traditions of various political communities and accommodates diverse ideological and cultural influences.[19] Together with the ICCPR and the ICESCR, which were drafted in the spirit and based

17 Hobbins, 1989, p. 10.
18 Li-Ann, 2024, p. 43.
19 Ibid., p. 44.

on the principles of the UDHR,[20] it can be rightly considered as a 'common standard of achievement for all peoples and all nations'.

2. From the International Bill of Rights to Regional Standards

In parallel with efforts to create a universal human rights framework, the post-World War II international community witnessed the end of the colonial era. Along with the recognition of the right of peoples to self-determination and gradual decolonisation, multiple new states emerged on the international stage. Delegates from outside the Anglo-European context played a significant role in shaping the International Human Rights Law. These developments challenged the previously dominant practice of public international law, shaped primarily by Anglo-European states, as the engagement with newly independent states exposed the full implications and meaning of a truly universal standard.[21]

The regional human rights systems emerged at the end of World War II, as part of the global movement for human rights, inspired by the UN Charter and the UDHR.[22] However, different historical backgrounds and varying social and political conditions led to diverse perspectives across continents, resulting in different focus areas, each influenced by particular human rights concerns and specific regional approaches to human rights protection.

Chronologically, the first regional system of human rights protection was created in the Americas. Its origins can be traced back to the second half of the 19th century and to the regional forum of cooperation among the American states, which met periodically to develop a shared system of legal norms and institutions during the so-called Pan American Conferences. The Conferences laid the foundations for the establishment of the Organization of American States (OAS), which would later become the Inter-American system of human rights. Several references to human rights were included in the OAS Charter (Charter of Bogotá) of 1948[23] and in the Inter-American Declaration on the Rights and Duties of Man,[24] which was signed several months before the adoption of the UDHR at the universal level. The American Convention on Human Rights (ACHR),[25] the binding human rights 'constitution' of the Americas, adopted in 1969, was modelled on the UN International Bill of Rights and

20 UN General Assembly Resolution 421 (V) on the Draft International Covenant on Human Rights and measures of implementation: future work of the Commission on Human Rights, Preamble to Part E.

21 Li-Ann, 2024, p. 42.

22 Shelton and Carozza, 2013, p. 12.

23 Charter of the Organization of American States, adopted at Bogotá on 30 April 1948 by the Ninth International Conference of American States, UN Treaty Series No. 1609.

24 Inter-American Declaration on the Rights and Duties of Man, adopted at Bogotá in 1948 by the Ninth International Conference of American States.

25 American Convention on Human Rights (Pact of San José), adopted at San José on 22 November 1969, UN Treaty Series vol. 1144, No. 17955.

the Council of Europe's (CoE) human rights regime; however, its drafters adapted it to regional circumstances.[26] As a result, the Inter-American framework for human rights protection reflects the region's historical, cultural, social and political context. It is grounded, *inter alia*, in the long-standing tradition of regional solidarity, developed during the independence movements in Latin America in the 19th century, on the importance of social justice, especially for protecting vulnerable and historically disadvantaged groups, such as indigenous peoples, women and children.[27] The jurisprudence of the Inter-American human rights bodies concerning economic, social, cultural and environmental rights has become a cornerstone of the regional human rights framework in Latin America, a region marked by significant social inequalities and political instability, along with the lasting impact of European colonisation.[28]

The European system of human rights developed under the auspices of the CoE, a regional organisation established in 1949. The human rights agenda was an important part of the post-World War II reconstruction of Europe. It was based on the idea that regional cooperation among European states could help sustain peace and prevent future conflicts. This underlaid the creation of the regional human rights framework, anchored in the European Convention of Human Rights,[29] adopted in 1950 by the CoE, while providing a foundation for economic collaboration within the European communities and the broader process of European integration. The specificity of the European system of human rights is grounded in the Western European traditions of democracy and the legacy of safeguarding individual freedoms and rights. This legacy is most prominently reflected in the 1789 Declaration of the Rights of Man and of the Citizen, adopted during the French Revolution, whose roots can be traced back to the religious freedoms guaranteed by certain Central European states, like Poland and Hungary, as early as the 16th century.[30]

On the African continent, the emergence of a regional human rights system began later than in the Americas and Europe and was strongly connected to decolonisation. This process was characterised, on the one hand, by the struggles for self-determination of peoples and independence from the colonial empires and, on the other hand, by efforts to achieve national cohesion.[31] The African human rights system has developed under the auspices of the Organisation of African Unity (OAU), a regional intergovernmental organisation, which operated between 1963 and 1999 and in 2002 was replaced by its successor, the African Union. The first binding human rights treaty on the continent, the African Charter of Human and Peoples Rights (Banjul Charter),

26 Pasqualucci, 2013, p. 4.
27 Shelton and Carozza, 2013, p. 12.
28 Ferrer Mac-Gregor, 2024, p. 217; Pasqualucci, 2013, p. 4.
29 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted in Rome on 4 November 1950 under the auspices of the Council of Europe, UN Treaty Series No. 2889, vol. 213.
30 The Hungarian Edict of Torda (1568) recognised religious freedoms and allowed local communities in Transylvania to freely elect their preachers. The Confederation of Warsaw (1573) guaranteed religious freedom and tolerance in the Polish-Lithuanian Commonwealth.
31 Shelton and Carozza, 2013, p. 12.

was adopted in 1981. It is regarded as the first human rights treaty to integrate various categories of human rights, including civil and political rights, economic, social and cultural rights, and group and peoples' rights, in a single instrument, without distinguishing their justiciability or implementation.[32] The Preamble of the Banjul Charter affirms the importance of the African approach to the protection of human rights and freedoms, acknowledging that the states parties were inspired by their historical tradition and the values of African civilisation, which were foundational to their reflection on the concept of human and peoples' rights. The African human rights framework is distinctive for its parallel recognition of individual and collective rights and a strong emphasis on the idea that the enjoyment of rights is inherently linked to the performance of duties. The emphasis on economic, social and cultural rights is another important feature, reflecting the socio-economic conditions of the continent, particularly in Sub-Saharan Africa, which faces extreme poverty, inadequate access to drinking water and the presence of various vulnerable groups, such as inhabitants of rural and deprived urban areas, refugees and internally displaced persons, persons with disabilities and families living with HIV.[33]

Unlike other regions, Asia does not yet have a unified human rights system covering the entire region. This is largely due to the absence of a common regional identity among its extremely diverse range of religions and cultures. There are ongoing efforts at the sub-regional level, including the work of the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC), both of which have human rights mandates. However, overall, this region has not adopted a general document on fundamental human rights and freedoms. Aside from the lack of a shared identity, this can be explained by the deliberate non-acceptance of the idea of human rights protection, related to the discourse known as the 'Asian values' debate.[34] This vision suggests that due to cultural differences between Asia and other regions of the world, cultural values and concepts, such as democracy and individual human rights, which are accepted in Western countries, are not applicable in the Asian context, which is inherently communitarian.[35] Nevertheless, several events in Asia in the second half of the 20th century, such as the occupation of Tibet, the rule of the Khmer Rouge in Cambodia and the authoritarian military rule in Burma (Myanmar), have demonstrated that the universal idea of human rights protection has profoundly influenced Asian societies, where the concept serves as an important reference for those demanding fundamental political changes.[36]

The regional socio-economic contexts and human rights concerns specific to each continent have provided a significant impetus for the emergence and development of regional human rights systems. As Dinah Shelton notes, regional human rights

32 Ssenyonjo, 2011, p. 359.
33 Ibid., pp. 360–361.
34 Yamamoto, 2024, p. 127.
35 Ibid.; King, 2011, p. 103.
36 King, 2011, pp. 103–104.

systems combine elements of uniformity and diversity in their evolution.[37] They all emerged alongside the development of the International Bill of Rights and took inspiration from universal norms. However, each region had distinct challenges and concerns. As the regional regulatory frameworks evolved, they interacted and influenced each other's evolution; each regional system draws on the jurisprudence of the others and changes its procedures based on their experiences.[38] The functioning of regional human rights courts – the European Court of Human Rights, the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights – is a particularly valuable result of the regional human rights systems and a significant contribution to the global human rights protection, given that judicial enforcement of human rights has not been envisioned at the universal level.

There exists an important conceptual and theoretical justification for the role of regional human rights systems within the international human rights framework. Sumner Twiss argues that when human rights are affirmed at the international and intercultural level, two kinds of justification are present.[39] Globally, an international 'practical moral consensus' has developed that certain behaviours are required, while others should be prohibited. Locally, encompassing individual traditions, each tradition should draw upon 'its own set of moral categories as appropriate to its particular philosophical or religious vision' to justify its participation in this global consensus. In other words, different cultures should identify the aspects of their traditions and history that endorse and affirm the need for upholding human rights standards.

However, some view the concept of an orientation toward local affirmation of human rights as a threat to the universality of human rights and place it on a similar footing with cultural relativism, which has been unequivocally rejected by international human rights law.[40] Although there is no straightforward solution for the reconciliation of the universal concept of human rights with different regional, cultural and religious sensitivities, it is important to remember that the universal system of human rights has been created at the crossroads of different world cultures. The UDHR was proclaimed as a 'common standard of achievement' because it attempted to identify the common elements of the world's main religious, moral and political systems to set a shared vision of universal aspirations for how people should treat

37 Shelton and Carozza, 2013, p. 12.
38 Ibid.
39 Twiss, 1998, pp. 35–36, cit. by King, 2011, p. 105.
40 UN Special Rapporteur in the field of cultural rights, 2018, paras. 48–55; Yamamoto, 2024, pp. 129–130.

each other.[41] Hence, the idea of the UDHR and International Bill of Rights depends on the regional contexts to provide the foundations for achieving its objectives, that is, an effective implementation of the international human rights framework, not one that attempts to replace particular regional cultural traditions.[42] This perspective echoes the words of Eleanor Roosevelt, who chaired the UN Drafting Committee, that universal human rights take root locally and require collective effort to uphold them 'close to home' before any progress can be achieved globally.

3. The Regional Human Rights Protection Systems Outside Europe

The book entitled *The Regional Human Rights Protection Systems Outside Europe* seeks to provide foundational knowledge and a deeper understanding of major human rights mechanisms beyond the European human rights framework: the Inter-American, African, Islamic and Asian human rights mechanisms. Regional human rights systems play an increasingly significant role in the global human rights architecture. However, for several legal scholars in Europe, mechanisms other than the CoE's framework remain relatively unfamiliar.

The book is divided into four parts. The first part focuses on the Inter-American system, while the second addresses the African regional framework. The third part broadens the scope to cover Islamic and Asian perspectives, including an analysis of the approach within the Commonwealth of Independent States (CIS). The fourth part offers a comparative analysis of the cross-influence between the Inter-American and European human rights systems, emphasising the importance of understanding different regional human rights frameworks.

The contributors to this volume are scholars from Central and Eastern Europe, each with a specialised focus on international human rights law. Their research on regional human rights systems beyond Europe was supported through valuable collaboration with peer reviewers whose deep understanding of these regions is based on professional experience and close academic ties to respective human rights systems.

41 Tse-Chien Pan, 2024, p. 50. Yasuaki Onuma, in his influential book on the transcivilisational perspective on international law, questions the universal validity and legitimisation of human rights, referring to them as a Western, European-centric concept, which is alien to non-Western people. He questions the civilizational meaning of human rights in human history and ponders about the relationship between human rights and diverse civilisations and cultures. He puts forward the concept of transcivilisational perspective on human rights, which would require the international community to doubt the universal validity of human rights and re-conceptualise them from various perspectives of cultures, religions and different civilisations. According to Onuma, such re-conceptualisation of human rights could persuade non-Western nations to accept and adhere to human rights, contributing to grounding human rights in diverse societies. For more on the compelling vision of transcivilisational perspective on human rights, see: Onuma, 2010, pp. 370–462.

42 Tse-Chien Pan, 2024, pp. 50–51.

The contributions in Part I, *The Inter-American System of Human Rights*, begin with Robert Tabaszewski (Chapter 1), who provides a comprehensive analysis of the evolution of the human rights system within the OAS, exploring its historical roots and current architecture. The study highlights landmark documents, including the 1948 American Declaration of the Rights and Duties of Man and the 1969 ACHR. In his study, Tabaszewski reflects on the ongoing challenges and future directions for the Inter-American human rights framework, as it adapts to contemporary issues, such as digital rights and the rights of vulnerable groups.

Jakub Czepek (Chapter 2) provides a detailed analysis of the Inter-American Commission on Human Rights (IACmHR), a principal human rights body and an organ of the OAS, established in 1959. Czepek explores its legal background, scope of competence and procedural mechanisms, emphasising its role as a 'gatekeeper' to the Inter-American Court of Human Rights (IACtHR), as all cases in the Inter-American framework must first be examined by the IACmHR before reaching the judicial organ. Rebecca Lilla Hassanova (Chapter 3) describes the IACtHR. She outlines its legal anchorage and its contentious and advisory jurisdiction, emphasising its function in holding the states parties to the ACHR accountable for human rights violations. Marta Osuchowska (Chapter 4) undertakes the colossal task of identifying the main human rights concerns and systematising the recurring issues in the jurisprudence of the Inter-American human rights bodies. Osuchowska delves into the particular challenges faced by the Western Hemisphere, including the rights of indigenous peoples, women and children, and issues related to environmental protection and economic inequality. She discusses the important role of the IACtHR in addressing first-generation human rights violations, such as the right to life, liberty and personal security, alongside newer human rights concerns, such as collective property rights and safeguarding cultural rights.

Part II, *The African System of Human Rights*, begins with Lilla Garayová (Chapter 5), who examines the development of the African regional human rights system. Garayová traces its origins to the post-World War II movement towards regional human rights frameworks, emphasising the influence of Africa's colonial history and distinct social context. She explores what influenced the creation of the landmark African human rights instruments, such as the 1981 African Charter on Human and Peoples' Rights, the 1990 African Charter on the Rights and Welfare of the Child and protocols addressing specific issues, including women's rights, rights of persons with disabilities and the rights of older persons.

Tena Konjević further develops the discussion on human rights in Africa by exploring the legal environment of the African Commission on Human and Peoples' Rights (ACmHPR). In her contribution (Chapter 6), she provides an overview of its mandate, including the competence to receive and examine state and individual communications. Konjević reflects on the ongoing challenges faced by the ACmHPR, such as a limited possibility of enforcing compliance with its decisions, financial constraints and limited public awareness. Anna Dąbrowska (Chapter 7) discusses the African Court on Human and Peoples' Rights (ACtHPR), which is an institution of

fundamental significance to the African system of human rights protection, established to support and complement the ACmHPR. Dąbrowska traces back the origin of the ACtHPR to historical and political processes in the 1960s and 1970s, a period of decolonisation. She explores the ACtHPR's broad jurisdiction, which extends beyond the interpretation and application of the Banjul Charter to include other human rights instruments ratified by African states.

Cocou Marius Mensah (Chapter 8) identifies and explores the main challenges of human rights protection in Africa. Mensah examines landmark cases within the African human rights system, focusing on issues, such as gender inequality, child labour, forced marriages and the impact of climate change, which disproportionately affect vulnerable populations. He argues that there is a pressing need for effective implementation to protect fundamental rights across the continent.

Part III, *The Islamic, Asian and CIS Perspective on Human Rights Protection*, consists of a single contribution by Andrzej Pogłódek (Chapter 9). The chapter explores lesser-known non-European regional human rights systems, such as those of the Arab-Muslim, ASEAN, SAARC and CIS frameworks. Pogłódek argues that several of these human rights regimes, particularly those in the Arab-Muslim and ASEAN contexts, were established partly in opposition to the universal human rights system, reflecting cultural, religious and historical particularities. He notes that, unlike their European, Inter-American and African counterparts, these frameworks do not provide for mechanisms of individual complaints and human rights bodies to enforce human rights.

Part IV, *Connecting Worlds: Interactions Between the Inter-American and European Human Rights Systems*, consists of a single contribution by Jakub Czepek. Czepek's second input in this volume (Chapter 10) marks the high point of the debate on regional human rights protection systems, by offering a valuable, in-depth comparison of two major regional frameworks, the Inter-American and European human rights protection systems, focusing on the jurisprudence of their respective judicial bodies, the ECtHR and the IACtHR. Czepek demonstrates that both systems are anchored in the values enshrined in the UDHR; however, they have evolved with distinct legal and institutional frameworks, shaped by different historical contexts. He argues that the ECtHR's jurisdiction and influence have significantly shaped global human rights standards, while the IACtHR has developed unique approaches to reparations and state obligations, particularly through the doctrine of 'conventionality control'. He demonstrates that although the ECtHR had a significant influence on the IACtHR, the latter does not follow the European jurisprudence blindly; instead, it carefully incorporates doctrines and case law that are consistent with its regional legal environment. Although the influence of the IACtHR on the ECtHR is less apparent, some essential developments, such as the concept of positive obligations and the legal treatment of enforced disappearances, have significantly shaped European human rights jurisprudence, demonstrating the reciprocal relationship between the two major regional human rights systems.

This volume brings together experts to provide foundations of regional human rights systems outside Europe, set against the background of the regions' historical,

cultural and political context. Primarily intended as a textbook for students of the Human Rights and Rule of Law (HRRL) LL.M. course,[43] this book serves as a valuable resource for scholars, practitioners and officials seeking a single volume on the contributions and challenges of the world's regional human rights frameworks, and the role of regional factors and cultural contexts within the global human rights framework.

This volume is a part of the book series *Human Rights – Children's Rights*, which is inspired by the idea that the universality and indivisibility of human rights might accommodate regional perspectives on human rights protection; perspectives which should not be mistaken for cultural relativism. Different collective identities and sensitivities and diverse historical backgrounds might lead to different emphasis on certain human rights issues, reflecting the distinct cultural and legal heritage of Central and Eastern Europe. A defining characteristic of this book series is its focus on the legal systems and jurisprudence of primarily Central and Eastern European countries, understood as a 'cultural space spanning the Baltic, Adriatic and Black Seas'.

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Katarzyna Zombory
Editor

43 The curriculum of the HRRL LL.M course is based on comprehensive research, including the use of comparative legal research covering 16 countries, to provide an authoritative yet accessible treatment of the foundations and fundamentals of international human rights law. The HRRL LLM curriculum consists of the following volumes: *The Universal Protection of Human Rights*; *The European Convention on Human Rights*; *Regional Human Rights Protection Systems Outside Europe*; *The Protection of Human Rights in the European Union with Special Regard to the Central and Eastern European Related CJEU Case-law and FRA Practice*; *Human Rights from a Central and Eastern European Perspective Vol. I (Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia, Slovenia)*; *Human Rights from a Central and Eastern European Perspective Vol. II (Albania, Bosnia and Herzegovina, Georgia, Moldavia, Montenegro, North Macedonia, Serbia, Ukraine)*; *Human Rights Protection of Vulnerable Groups*; *Human Rights and Environmental Protection from a Central and Eastern European Perspective*; *International Criminal Law, Humanitarian Law and Refugee Law from the Perspective of Human Rights*; *Rule of Law: Supranationalisation* (series of articles); *Rule of Law: Constitutional Identity* (series of articles).

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