Responsibility for Human Rights Violations by International Organizations

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Introduction

Since the end of World War II international organizations (IOs) have contributed to the development and the promotion of human rights. They play a fundamental role in the drafting and in the conclusion of many human rights treaties both at international and regional levels and in the setting up of many international monitoring mechanisms. Numerous IOs dedicate their efforts to protecting human rights. But in the exercise of their activities they are also capable of violating human rights.

In recent decades, indeed, several violations have been committed by IOs. For instance, United Nations (UN) military peacekeepers have been accused of human rights abuses while deployed on UN missions. IOs can breach human rights in the framework of their operational activities but also in that of their normative activities. For example, comprehensive sanctions adopted by the


2 Regional organizations have provided the framework for the negotiation and conclusion of many human rights treaties such as the European Convention on Human Rights and Fundamental Freedoms (ECHR, Council of Europe, 1950), the American Convention on Human Rights (Organization of American States, 1969) and the African Charter on Human and Peoples’ Rights (Organization of African Unity, 1981).

3 Over the years, human rights monitoring has matured and developed. See for example the United Nations Commission on Human Rights and its successor the Human Rights Council, the Human Rights Committee, the European Court of Human Rights, the Inter-American Court of Human Rights, etc.

4 In Bosnia and Kosovo in the 1990s, UN peacekeepers helped to support sex trafficking as customers of brothels relying on forced prostitution. See for example Jennifer Murray, “Who Will Police the Peace-Builders? The Failure to Establish Accountability for the Participation
Security Council in the ‘90s against Iraq\(^5\) notably had devastating effects on the population.\(^6\) As a result, recent years have been characterized by attempts to move from comprehensive sanctions applied to States towards targeted sanctions\(^7\) applied against non-State actors and aimed at minimizing the negative effect of the former. They are usually standardised, such as embargoes on weapons and sensitive goods, travel bans and asset freezes. However, these sanctions may affect specific individual rights and freedoms such as property rights, the right to effective judicial review and the right to be heard.\(^8\) That is what the European Court of Justice (ECJ) especially observed in its famous *Kadi Case*\(^9\) dealing with the SC’s Res. 1267 sanctions regime.

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6. See inter alios Thomas G. Weiss et al., *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Lannham: Rowman & Littlefield, 1997). According to the Committee on Economic, Social and Cultural Rights ‘they often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work. In addition, their unintended consequences can include reinforcement of the power of oppressive élites, the emergence, almost invariably, of a black market and the generation of huge windfall profits for the privileged élites which manage it, enhancement of the control of the governing élites over the population at large, and restriction of opportunities to seek asylum or to manifest political opposition. While the phenomena mentioned in the preceding sentence are essentially political in nature, they also have a major additional impact on the enjoyment of economic, social and cultural rights’. On the relationship between economic sanctions and respect for economic, social and cultural rights see General Comment No. 8 (1997), UN Doc. E/C.12/1997/8, Section 3.