THE LEGAL OBSTACLES TO THE UNIVERSALITY OF HUMAN RIGHTS

العوائق القانونية لعالمية حقوق الإنسان

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Abstract:

The universality of human rights is subject to a number of legal obstacles, the most important of which is the possibility of States to dispose of their international obligations. They have the freedom to ratify and the possibility of reservation, to disable and restrict rights and even to withdraw from international conventions on human rights. the possibilty to opt out from international human rights obligations is in a paradoxale relationship with universality ,because it is a motivation for the state to join on the one hand, and on the other, they can void human rights conventions of their content and create gaps in the global commitment network.

Keywords: *Human rights ; Universality; Globalization; Law.*

الملخص:

تعترض عالمية حقوق الإنسان مجموعة من العقبات القانونية أهمها إمكانية تحلل الدول من التزاماتها الدولية، فلها حرية التصديق وإمكانية التحفظ وتعطيل الحقوق وتقييدها وحتى الانسحاب من الاتفاقيات الدولية لحقوق الإنسان، وتحمل سبل التحلل مفارقات في علاقتها بالعالمية كونها تحاول الموازنة بين الحقوق السيادية للدولة وحقوق الإنسان من اجل تحفيزها على الانضمام من جهة، ومن جهة أخرى فهي تفرغ الطابع الاتفاقي لحقوق الإنسان من محتواه وتخلق ثغرات في شبكة الالتزام العالمي.

الكلمات المفتاحية: **حقوق الإنسان، العولمة، العالمية، القانون.**

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INTRODUCTION:

The universality of human rights has become a legitimate concept based on philosophical, legal and political principles, which aims to strengthen the idea of the applicability of human rights standards to all societies and civilizations without exclusion of the various nationalities. Human rights are universal at the core, but the different perceptions of the right and the human make the term "human rights" the title of different, if not contradictory contents , which leads to great problems in terms of their enforcement and their application.

And if there is a "Consensus" on the universality of the idea of human rights, their actual implementation face a number of obstacles, some have talked about the crisis of international human rights law because of the multiple ideological, economic and social difficulties that face the universality of human rights, this study will focus on the legal obstacles to the application of the human right standards.

These latters are a set of legal limits resulting from the reaction of the states to universal human rights instruments in order to free themselves from international obligations based on legal mechanisms closely linked to the sovereignty, leading to a reduced and fragmented universality resulting from the weak and unbalanced network of international obligations, thus reducing the effectiveness of the mechanisms of control and the proficiency of international bodies toward the States.

1- THE POSSIBILITY TO OPT OUT FROM INTERNATIONAL HUMAN RIGHTS OBLIGATIONS:

The exit of human rights from the reserved domain of the State does not mean the end of its role in the realization and the implementation of universal human rights standards. The State still enjoys a broad discretion in dealing with its international human rights obligations. The contractual and facultative nature of international human rights law allows the State to derogate from or comply with reservations and interpretative declarations, or even to restrict and disable rights after obligation_ when necessary_ which can void the international treaties of human rights from their content and reduce the universality enshrined in international documents to non-binding slogans.

A - THE FREEDOM OF THE STATE TO RATIFY INTERNATIONAL HUMAN RIGHTS CONVENTIONS:

For a long time human rights were part of the "reserved domain" of States, However, even jurisdiction which, in principle, belongs solely to the State, is limited by rules of international law, In other words, sovereignty is not an unlimited power, It can only be defined as the very criterion of States, by virtue of which such an entity "possesses the totality of international rights and duties recognized by international law" as long as it has not limited them in particular terms by concluding a treaty.[1]

Virtually all states accept the authority of the Universal Declaration of Human Rights. For the purposes of international relations, human rights today mean, roughly, the rights in the Universal Declaration. Those rights have been further elaborated in a series of widely ratified treaties. As of May 8, 2006, the six core international human rights treaties (on civil and political rights, economic, social, and cultural rights, racial discrimination, women, torture, and children) had an average 166 parties, which represents a truly impressive 85% ratification rate.[2]

However, the reality is that the rate of ratification outside the Universal Declaration and the six mentioned agreements remains very low and their geographical distribution is very bad, thus impeding the effectiveness of the conventions characterized by the lack of continuity and numerous gaps in the ratification network. In addition to the poor spatial distribution of ratifications, the date of entry into force of the same agreements varies between the different Contracting Parties.

On the other hand, it should be noted that many States have failed to ratify the treaties after their signature, leading to the delay in the entry into force of the Convention. It took about 10 years to complete the 35 ratifications required for the entry into force of the Covenants, although the initial number of signatures implied On a rapid implementation, States have the ability to sign but are less inclined to commit permanently and there may be a long period between signing and ratification which leads to empty the text from its content.[3]

There are also significant differences in the acceptance of additional protocols and declarations regarding the regulatory bodies. This implies that many countries are parties to the agreements, but they reject the regulatory regimes they provide. They do not allow committees to monitor the degree of the state compliance with their obligations. Since many countries have accepted human rights internationally, they have not unanimously agreed to include in their domestic legislation and practices to universal human rights instruments controle and the majority do not recognize them as self-executing.[4]

Many countries have resorted to ratification in order to derive its legitimate benefits without actual compliance with the obligations, resulting in a deep gap between policies and practices. The Government ratifies the treaties without serious enforcement, since the main reason for ratification is to obtain legitimacy in the eyes of other States. The repressive practices of human rights can be increased by the ratification of the treaty, especially when the Government uses ratification as a strategy to deflect international scrutiny from its shaky human rights practices.[5]

The reason for the excessive resort to formal ratification is the inevitability of joining the international human rights system in the context of the globalization of human rights and democratic values, but the problem is that most

third world countries have limited or no involvement in the establishment of international human rights instruments, Therefore, these countries find themselves faced with two difficult choices: either remaining out of the international human right system or joining without activating human rights on the domestic level, especially as the countries that abstain from ratification find themselves in the position of the potential violator of human right, States therefore resort to the imperfect obligation that is, they are bound by treaties but with a set of reservations and interpretative declarations.

B -THE POSSIBILITY OF RESERVATIONS TO INTERNATIONAL HUMAN RIGHTS CONVENTIONS:

The reservations aim at balancing the preservation of the state's sovereignty and it's belonging to the international community; it also aims at reconciling universality and particularity in a multi-cultural world. These dichotomies created a kind of flexibility in dealing with international conventions of human rights, especially since most countries were not parties to the basic conventions of human rights, the reservations seek to obtain the largest number of signatures and ratifications and thus serve the plurality of the Treaty.[6]

However reservations to international human rights treaties are no longer deemed to be so useful ,at best, they are considered to be a necessary evil: necessary to attract states, but evil in their tendency to undo treaty regimes, especially regimes establishing human rights obligations, the large number and scope of reservations made by States, particularly those of a general nature that may impede the object and purpose of the treaty, has pushed human rights law into a crisis. The effects of those reservations can ruin a treaty regime, thereby emptying international protection of its content and fragmenting the imperative nature of human rights treaties. [7]

The debate over the possibility and extent of reservations goes back to the controversy over the adoption of the Convention on the Prevention of Genocide, which led to the advisory opinion of the International Court of Justice. The UN General Assembly also called on the Commission of Human Rights to include a provision on reservations in the draft the International Covenant on Civil and Political Rights Which led to an ongoing controversy within the Commission of Human Rights and the Third Committee of the General Assembly in the drafting of the International Covenant on Civil and Political Rights.[8]

the regime of reservation to human rights conventions is a "necessary evil". The recourse to incomplete obligations is better than non-compliance at all. The task of establishing a formal and objective system that governs the specificity of reservations to this range of conventions has been entrusted to the supervisory bodies at the global and regional levels, These bodies have special rules and standards to determine the validity of reservations in order to balance between the

normative, non-contractual nature of human rights and the sovereign right of the State on how to commit to these rules.[9]

The attenuation of state voluntarism is still perceptible through the trend towards a restriction of the extent of reservations through the prohibition of general reservations. At this level there is a tendency according to which general reservations are strictly forbidden because they testify quite often to a desire to free oneself from a commitment. In recent practice, any reservation must be compatible with the object and purpose of the treaty, in accordance with the rules of international law, and not be formulated in a general manner.[10]

It is impossible to completely prohibit reservations to human rights conventions, despite the specificity of their rules, because such conventions can be of a general nature, the reservation are forbidden only when they impede the object of the Convention. And because not all human rights are *jus cogens*, the reservation are allowed in a narrow framework that does not affect the essence of the Convention or the fundamental rights.

But the question is: What should be done when the formal and objective conditions for the validity of reservations to human rights are not fulfilled? The contemplator of the activity of the regulatory bodies finds different approaches. The Special Rapporteur appointed by the International Law Commission to comment on the law and practice concerning the reservation to treaties notes that if a State's reservation is not accepted the state can :

- Keep the reservations after studying them objectively;

- Withdraw the reservation;

- Replacement of a reservation that is prohibited by a permitted reservation- Withdrawal from the treaty.[11]

It is evident that the dialogue between the regulatory bodies and the State concerning the reservations is in fact a continuation of the negotiation process, but after the conclusion of the treaty, since the States that failed to impose their views during the negotiation process have resorted to reservations to the issues approved by the majority. In a world of sovereign States, There is no harm in the protection of the States position, unless this position is detrimental to human rights. In fact, the process of determining its harm from its opposite is purely political and cannot be subject to legal logic.[12]

C - THE POSSIBILITY OF PLACING RESTRICTIONS ON HUMAN RIGHTS:

If the reservations regime allows States parties to evade certain obligations at the time of accession, signature and ratification by modifying the legal effect of certain provisions of the treaty, the restriction regime allows States to exclude certain legal effects and restrict rights to meet circumstances that may exist after the entry into force of the treaty.[13]

If human rights are to be enjoyed by all individuals, given to their human nature, all civilized States have agreed that the deprivation of natural rights should not be imposed as a punishment for any crime, yet the individual has no absolute rights, Every right is matched by a duty, even if it is a natural right by birth All rights must be exercised in a manner that respects the public order.[14]

The aim of the restrictions is to establish a reasonable balance between the rights and freedoms of the individual and the rights and interests of the collectivity, but the fears of arbitrary of the authority makes human rights defenders surround these restrictions with conditions that limit the abuse of power and the violation of human rights.[15]

On this basis, respecting the rights of individuals requires the existence of strict rules that prevent the administration from assaulting them. However, the proper functioning of the public facilities and the continued functioning of the administration require freedom to help them make the right decision in time for the public interest. Therefore, these two objectives must be balanced so as not to overcome each other. The administration monitors and regulates the activity of individuals through the administrative control function.[16]

International human rights conventions have allowed the possibility of restricting the rights , The Universal Declaration provided a general text permitting States, in the case of certain conditions, to place limitations on the rights recognized in article 29/02 of the Declaration. The International Covenant on Economic, Social and Cultural Rights followed the same approach, , And there are conventions that do not provide a general text to restrict all the rights contained in them, but recognize the possibility of the State to limit the number of rights contained therein, such as the European Convention on Human Rights and Freedoms.[17]

Human rights treaties agree that some of the rights are absolute and the law does not interfere with their organization, as is the case with the right to equality and the prevention of discrimination, the right to life, the prohibition of torture, and the prohibition of slavery as this kind of rights are elevated to the rank of *jus cogens*.[18]

It is clear from the above that the restriction of human rights, despite its positive effects, can be detrimental to the universality of human rights, especially since the term "public order" is characterized by ambiguity. It is a broad, multi-semantic concept subject to interpretation and can be exploited by states to justify its arbitrary actions. The term Public order and decency is loaded with ideological considerations, and what is considered rights countries is considered crimes in others.

Restrictions, like a reservations, can be a legitimate means of preserving cultural particularity in the light of differing views on human rights. It can also

serve as a means of deconstructing global obligations. Practice has shown that the restricting human rights undermines the universality of human rights as states adhere to universal texts with the right hand to restrict human rights with left hand.

2 - GAPS IN THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS:

The possibility of evading international human rights obligations has overshadowed the international protection of human rights, which has faced many obstacles that have almost emptied the international protection of human rights from it's content. Despite the increasing efforts to create human rights protection systems, the circle of violations has widened at the practical level, The relative weakness of international human rights protection can be traced to the following reasons:

A - THE INFLATION OF HUMAN RIGHTS:

Today, the world is witness to unprecedente growth in the human rights instruments, which has not prevented the increasing violations of human rights, The emergence of international human rights instruments is characterized by fragmentation and gradualism, as it relates to political maneuvers, rather than being the subject to a comprehensive theoretical analysis of the relations of influence between the different international human rights instruments. As a result, international guarantees are less consistent and less clear, This ambiguity is reinforced by the coexistence of several degrees of protection, national, regional and universal. This combination of different systems complicates the protection of human rights.[19]

La" Frénésie normative" in the field of international human rights law is a multi-level phenomenon that led some to ask about the need to create new standards in light of the abundance of existing standards, while others called for the need to balance the various human rights systems. If coordination was possible before, it is becoming more difficult today because of the proliferation of international organizations and the arsenal of instruments adopted. Moreover, there is an increase in the types of human rights rules. The same right can be protected by a declaration, a binding convention, a peremptory norm or a general principle of law. In addition, there are numerous mechanisms to monitor compliance with these standards.[20]

The large number of human rights, which amounts to hundreds, makes the states "shop between the rights", choosing for the conveniant rights in the context of limited resources. In fact, the existence of more than 300 internationally protected rights makes compliance very difficult. International conventions become mere loose instruments that urge governments to govern well, especially since these treaties are multidimensional and do not include guidelines for

governments to explain how these many obligations are compatible with their reality and resources[21].

The excessive production of human rights standards and their endless proliferation have led to an overload of policies and resources that no government or regime has ever achieved. Human rights inflation can be one aspect of the global production of the doctrine of human rights as the "spell" that can solve all humanitarian problems, or the legitimate cover of all strategic interests that are far from human rights.[22]

The Inflation in human rights standards and the creation of a new list of rights each period leads to a reduction in the normative value of human rights, Through the rush to pour all the requirements and needs within the rights, without including the basic elements of the right, and sometimes it may be useful to return to the legitimacy of more assertive and less fake rights to make their application on the ground a legal fact.[23]

Human rights inflation is under the "less is more" argument, since the many human rights standards at all levels will lead to a reduction and "dilution "of human rights this inflation is similar to monetary inflation, which will lead to a reduction in the normative value of human rights under the pretext of the difficulty of realizing human rights at the practical level.

B - THE OPACITY OF HUMAN RIGHTS:

human rights content still requires more clarity, and the dimensions of these rights cannot be identified without resorting to the actions of the States themselves, giving them a broad discretionary power to determine the content of these rights in accordance with the prevailing ideology in each country.[24]

Human rights are an idea that is interpreted in different ways and seen from multiple angles. There is no specific concept of these rights in terms of their content and extent. The same right can refer to different facts, If not contradictory facts.[25]

The ideological approaches to human rights complicated the establishment of a consensus on the scope, content, and philosophical bases of human rights corpus, intellectual and policy battles have focused on its cultural relevance, ideological and political orientation and thematic incompleteness, these questions has been so deep that it has in fact delayed the development of human rights.[26]

In order to avoid ideological differences, international and regional instruments have relied on the classification of rights rather than on defining them. There are several classifications, the most important of which are civil and political rights in the face of collective rights and fundamental rights in the face of secondary rights, Which led to unequally protected rights based on hierarchical considerations that led to selectivity, which Is contrary with the most important

pillars of the universal human rights" interdependence and indivisibility of human rights".

The provisions of international human rights conventions have therefore been given a general, loose, indeterminate nature that has led to inconsistencies between the provisions of the Convention itself and other conventions, They contain general terms that are subject to different interpretations, which can be interpreted to create new rights other than those originally recognized in the conventions. The same right may be the title of different contents in the various conventions, which can be confusing . And in other cases may lead to a conflict between the different rights, thus giving the state the opportunity to not apply them.[27]

This ambiguity is caused by inconsistencies between the rules because of the vagueness that allows for multiple interpretations, as a result of significant logical gaps in the general structure of the rules, particularly those that effectively eliminate other rules. The confusion may arise from rules and procedures that allow the use of procedures to undermine substantive rules. This ambiguity and inconsistency is likely to be the fruit of a diplomatic settlement or unresolved differences during the negotiations, which make countries more inclined to abide by a weak treaty regime that allows them to maneuver on an operational occasion.[28]

This ambiguity has made human rights non-categorical and most of the recognized rights are "prescribed" rights, that is, states may impose restrictive measures on them for various considerations, such as public order, public morals and the rights of others. This gives the state broad freedom to enforce them locally. , The state is committed internationally to satisfy the political and economic pressures without the real internal realization of rights because the state have a "margin of discretion" resulting from the blurry and general provisions of international human law.[29]

3 - WEAK MECHANISMS OF PERIODIC REPORTS AND COMPLAINTS:

The reporting system is the first monitoring mechanism for the protection of human rights. States parties to international human rights conventions are obliged to submit periodic reports to the supervisory bodies at regular intervals indicating their degree of compliance with the provisions of the treaty texts to a committee of state experts who make their "observations" and "comments" With regard to measures taken by the State, this mechanism is characterized by its strong respect for the sovereignty of States and its lack of commitment and effectiveness.

It is optimistic to believe that reporting system is a "consecration" of human rights because it does not provide a strong international control system,

since there is no system for independent information, and reports are processed according to a predetermined schedule, not according to the state of conduct, and there is no Effective follow-up action, and the commissions can raise questions only without making provisions that commit the state to the Convention.[30]

Reporting is more easily accepted by States, because the preparation of reports is a minor inconvenience that does not place the State in the position of the accused, the only obligation it imposes is to prepare and report to observations, comments and recommendations by the follow-up bodies. In addition, the regulatory bodies remind, rather than obligate, States that are behind the submission of reports when they neglect the reporting procedure.[31]

The majorities of reports are not submitted in time, and are taken lightly; there was little evidence, if any evidence, that reporting itself could correct important problems or flaws resulting from the practices of violators of human rights, Reporting is not a solution to human rights issues, given it's rhetoric nature that lacks serious attempts at implementation on the ground.[32]

Therefore, States Parties do not take the reporting system seriously. As of 2011, 16 % of the countries submitted their reports on time. 20 % of the States Parties to the Covenants and the Convention against Torture did not submit any report. The reason for this lies in the large number of treaty committees, There are many and varied reports. Moreover, these reports overlap. The mandate of the commissions is broad, with universal jurisdiction but limited financial resources, which does not allow them to follow up the submission by States of their reports on time[33].

The review of the reports reflects a narrow reading of the commissions authorities, mostly involving the exchange of information and even the exchange of information, is largely flawed, The reports of many countries are misinformed, where they are only citations of constitutions and national laws. The committees always try to obtain better information, but they are unable to do so, especially since shadow" reports are not recognized in the dialogue with the committees on the occasion of the discussion of the reports[34].

If the reporting system is widely accepted by States, the complaints system is not. Only six of the 10 committees at the international level have the competence to receive complaints and communications, and some regional regimes such as the Arab Human Rights System do not recognize such mechanism, the activity of the supervisory bodies is uneven in their performance and implementation of the complaints system. While there are committees in which complaints are presented in hundreds, there are other committees whose role is very limited or has not yet begun to address any complaint. States are less inclined to this mechanism because it paints them as a potential violator of the human rights their nationals.[35]

All commissions share weak decisions that can not be reliably enforced at the national level. It is recognized that the ability of committees to apply sanctions and coercive measures to States is limited to embarrassing States, but most States do not care to include the "recommendations" At the national level, the mechanism of complaints is not to obtain monetary or non-monetary compensation, but to the ability of an individual to refer his or her State to an international body and to an international audience that criticizes it.[36]

CONCLUSION:

It is clear from the above that the legal limits to the universality of human rights find their basis in the need to balance between human right and the rights of the state, and despite the rise of the individual on the international scene, the state remaine the basic component of the international community, where the States willingly agreed with other countries to identify The legal framework of rights granted to individuals.

There is no escape from settling between entities that try to preserve their interests in the framework of the preservation of human rights. This combination of pragmatism and humanisme has made international law burdened with legal loopholes that give States the opportunity to maneuver. Legal gaps find their roots in the international politicization of human rights.

BIBLIOGRAPHY:

[1]- *Alain Pellet**, State sovereignty and the protection of fundamental human rights: an international law perspective,** Pugwash Occasional Papers, Vol 1, N° 1 ,feb 2000, P 37.*

[2] - *Jack Donelly, "**The relative universality of human rights",** in **human rights quarterly**, The Johns Hopkins university press , Vol 29, N° 02, May 2007, P 288.*

[3] - *Jean Dhommeaux, **L'universalité du droit international des droits de l'homme: du pactum frendum au pactum latum,** Annuaire français de droit international, CNRS éditions ,Vol 35, N° 1, 1989, P 410.*

[4] - *Catherine Botoko-Claysen, « **Engagements universels et identité européenne des droits de l'homme »**, Revue trimestrielle des droits de l'homme , éditions Anthémis, N° 48, 2001, P 915.*

[5]- *Emilie M.Hafner-Burton and Liyoteru Tstsui, "**Human rights in a globalizing world the paradox of empty promises"**, American journal of sociology, university of Chicago, Vol 110, N° 5, 2005, P 1386.*

[6] - *Djagham Mohamed, « **Les réserves face à la mondialisation des droits de l'homme »,** Cahier poltiques et droits, University de Ouregla, N° 16, janvier 2016, P 21.*

[7] - *Jan Klabbers, **On human rights treaties,contractual conceptions and reservations**, in : **Reservation to human right treaties and the Vienna convention regime conflict harmony or reconciliation**, Martimus Nihoff publishers, The Netherland, 2004, P 150.*

[8] - *Anja Seiber-Fohr, "**The potentials of the Vienna convention on the law of treaties",** in: **Reservation to human right treaties and the Vienna convention regime conflict harmony or reconciliation**, Martimus Nihoff publishers, The Netherland, 2004, P 185.*

[9] - *Jan Klabbers, Op cit, p 177.*

*10 - Abir EL Mekki, **Les évolutions récentes de la pratique des réserves aux traités relatifs aux droits de l'Homme,** http://metalaw.lead.org.tn/2017/03/06/les-evolutions-recentes-de-la-pratique-des-reserves-aux-traites-relatifs-aux-droits-de-lhomme/*

*[11] - Habib Hamdouni and Hafeeda Choucair, **Human Rights of Women between International Recognition and Reservations of Arab States**,1st edition , Cairo Institute for Human Rights Studies,2008, P 197(Arabic book)*

*[12]- Jan Klabbers, "**On human right treaties contractual conceptions and reservations"**, in: **Reservation to human right treaties and the Vienna convention regime conflict harmony or reconciliation**, Op cit, PP 181-182*

*13- Yahya Yassin Saud, **Human Rights Between State Sovereignty and International Protection**, 1st edition, National Center for Legal Publications, Cairo, 2016, P 116.(Arabic book).*

*[14] - Hussain Al - Mohamadi Al - Bawadi, **Human Rights Between the Terrorism and the West** 's, dar lfikr , Alexandria, 2006, P 27.(Arabic book)*

*[15] - Shafi'i Muhammad Bashir, **Human Rights Law Sources and Its National and International** Applications, 5th edition, Knowledge Establishment, Alexandria, 2009, p. 274*

*[16] - Hadeel Malik and Nidal Abbas, "**The Role of the Administrative Authority in Limiting the Rights and Freedoms of Individuals**", Al Mustansiriya Journal of Arab and International Studies, Mustansiriya University, N° 38, 2012, P 240.(Arabic article)*

*[17] - Mohammed Yousuf Alwan, "**Decomposition clauses of international human rights conventions**", part 1, Journal of Law, Faculty of Law, Kuwait University, 1985, P 157.(Arabic article)*

*[18] - Ibrahim Ali Badawi Al-Sheikh**, International Application of Human Rights Conventions Main Mechanisms and Issues**, 1st edition , Dar Al-Nahda Al-Arabiya, Cairo, 2008, P 192 (Arabic book).*

*[19] - Frederic Bernard, « **Protections universelles et régionales des droits de l'homme: vertus de la collaboration »**, présenté dans le colloque sur les droits humains mécanismes régionaux et mise en œuvre université de Geneve, 09 – 10 octobre 2013, P 04.*

*[20] - Sandrine Turgis, **Les interactions entre les normes internationales relatives aux droits de la personne**, 1ére édition; éditions Apédone, France , 2010, PP 36-37.*

*[21] - Mohammed Khalil Al-Mousa**, "Reflections on the Crisis of International Human Rights Law**," Journal of Political Science and Law, Arab Democratic Center, Germany, vol. 01, N° 05, 2017, P 89.*

*[22] - Upendra Baxi, **The future of human rights,** 3rd edition, Oxford university press, UK, p 199.*

[23] - Henri Oberderff, Droits de l'homme et libertés fondamentales, 2eme édition, Alfa éditions, France, 2010, P 14.

*[24] - Mustafa Salameh Hussein, "**International Reflections on Human Rights,**" Egyptian Journal of International Law, Egyptian Association of International Law, N° 40, 1984, P 86.*

*[25]- Amersad Allah, **Human Rights and Peoples' Rights**, University Publications, Algeria, 2005, P 79.*

*[26] - Makau wa Mutua,**the ideology of human rights**, digital commons university of buffalo school of law, 6 Va. J. Int'l L.589 (1996).available at:*
https://digitalcommons.law.buffalo.edu/articles/572

[27]- Mohammed Khalil Al-Mousa, Op cit, P 86.

*[28] - Jack Donnelly. "**International human rights: a regime Analysis"**, International organization, Cambridge university press, Vol 40, N° 3, 1986, P 605.*

[29] - Mohammed Khalil Al-Mousa, op cit, P 87.

[30] - *Jack Donelly,* ***universal human rights in theory and practice****, Third edition, Cornell university press, New York, 2013, P 301*

[31] - *Didier Roger, "****The Limits of International Protection of Human Rights",*** *in: Deepening Human Rights, A Brief World Encyclopedia, part 2, Dar Al Ahali, Damascus, 2000, P 89.*

[32] - *David P Forsyth,* ***Human rights in international relations****, Third edition, Cambridge University press, UK, 2012, P 16.*

[33] - *Manfred Nowak, "****The need for a world court of human rights****", in: Human rights law review, Volume 7, Issue 1, 1 January 2007, Oxford university press, UK, 2007, P78.*

[34] - *Jack Donnelly ,Op cit, P 610.*

[35] - *Jendi Mabrouk,* ***Complaints System as a Mechanism for the International Application of Human Rights Conventions****, PhD Thesis, Faculty of Law and Political Science, Biskra University, 2014-2015, P 359.*

[36] - *Alexandra R.Harrington, "****Don't mind the gap: the rise of individual complaints mechanism within international human right treaties"****, Duke journal of comparative and international law, Duke university school of law, Vol 22, N° 153, 2012, P 166.*