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# Measuring the Effectiveness of Control Mechanisms in Regional Human Rights Systems – from Conception to Execution

Pomiar skuteczności mechanizmów kontroli w regionalnych systemach ochrony praw człowieka – od koncepcji do realizacji

## Introduction

Effective protection of human rights in the modern world requires states and international organizations to create appropriate legal instruments to ensure compliance with these rights. In order to assess whether a given legal instrument or, more broadly, the entire control mechanism is effective and efficient, it is necessary to develop and select an appropriate measurement methodology.

The changes introduced do not always have a positive impact on the functioning of the control mechanism or the entire human rights protection system. The introduction of measurement criteria allows us to capture the effects of the introduced reforms. At the same time, the creation of such criteria allows us to better see the effects of changes on the entire system of (regional) human rights protection. Correctly selected measurement criteria help to compare different systems and assess which of them is the most effective and efficient. The aim of the article is an attempt to assess the effectiveness of control mechanisms functioning within individual regional human rights protection systems. Based on the conducted research, an attempt was made to assess which of the systems provides the highest level of protection. This article is an introduction to further research aimed at determining the optimal level of protection.

The methodological approach was to undertake a literature review to investigate and analyse the issue of human right protection regional systems and reference to it in the international conventions and other agreements.

## 1. Human rights protection worldwide

Dynamic development of human rights started in the mid-1940s led to the development of multi-level protection of these rights. The lowest level of protection is ensured under the domestic law of individual countries. International protection is developed on two levels, universal and regional. The universal level was created within the framework of the United Nations (UN). The universal nature of this protection is evidenced by the number of UN member states – 193 of the 195 internationally recognized states belong to the UN. The organization unites almost all currently existing countries. The universal nature of protection is also evidenced by the activities undertaken by the organization. The UN is committed to protecting all generations of human rights. All categories of persons at risk of breaching fundamental rights and freedoms are also protected. The UN system for the protection of human rights is one of its kind. No other subject of international law possesses the characteristics of a universal system.

In addition to the universal system, there are systems of regional protection of human rights at the international level. Organizations operating under these systems associate fewer countries than the UN. In addition, each of the existing protection systems has created its own catalogue of rights and freedoms, the observance of which it ensures. The level of protection provided by these systems also varies.

There are currently four regional human rights systems. These are: 1) the European system of human rights protection established within the Council of Europe and based on the European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, Rome, 4 November 1950; hereinafter: ECHR); 2) the Inter-American system of human rights protection established within the Organization of American States (OAS), a continuation of the Pan-American Union (Remón, 2021), based on the American Convention on Human Rights (American Convention on Human Rights, “Pact of San Jose”, Costa Rica, 22 November 1969; hereinafter: ACHR); 3) the African system of human rights protection established within the African Union (AU), based on the African Charter on Human and Peoples’ Rights (African Charter on Human and Peoples’ Rights (“Banjul Charter”), 27 June 1981; hereinafter: African Charter); 4) the Arab system of human rights protection functioning within the framework of the League of Arab States and based on the Arab Charter on Human Rights (Arab Charter on Human Rights, 15 September 1994; hereinafter: AchHR).

Each of the regional human rights systems has developed its own control mechanism (Table 1) ensuring the implementation of the rights and freedoms set out in the main normative acts codifying these rights. It is difficult to define a control mechanism clearly. According to the author, the control mechanism can be defined as a set of procedural and institutional norms ensuring the implementation of human rights and freedoms specified in a specific legal system.

In the case of the European system of human rights protection, Nowicki (2009) points out that the institution of the control mechanism consists of two bodies. These are the European Court of Human Rights (ECtHR), which deals with handling complaints, and the Committee of Ministers of the Council of Europe (CM-CoE), which deals with monitoring the enforcement of judgments. In addition, Nowicki points to the institution of the Secretary General of the Council of Europe, who has “a certain role to play” (Nowicki, 2009). A similar definition of the control mechanism – before the reform introduced by Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby, Strasbourg, 11 May 1994; hereinafter: Protocol No. 11 to the ECHR) – is given by de Wet (1996). According to him control mechanisms consist of three bodies: the European Commission of Human Rights (EComHR), the European Court of Human Rights (ECtHR) and CM-CoE (de Wet, 1996). In the literature on the subject, there are also concepts such as: jurisdictional mechanism, convention mechanism or control system.

The definitions quoted require some systematisation and detail. First of all, in addition to the bodies creating the control mechanism, it also consists of procedural standards. These standards regulate the functioning of control bodies and establish procedures whereby interested parties may request the protection of their rights. It can be assumed that the control mechanism includes two groups of guarantees. The first, comprising institutional guarantees, and the second, comprising procedural guarantees. The procedural and institutional elements form the control mechanism. There is no question that these two guarantee groups interact with each other while complementing one another. There can be no effective mechanism under which there is only one group of guarantees (Kowalski, 2022).

Similar definitions of the control mechanism apply to other regional human rights protection systems.

## 2. European regional human rights system

The European system of protection was established in the late 40s and early 50s. The establishment of the Council of Europe, an international organisation bringing together European states, in 1949 was the first step towards creating a system of regional protection of human rights. The following year, the European Convention on Human Rights was opened for signature, which, after 10 ratifications, entered into force in 1953 (Yildiz, 2020). Despite the existence of the Convention, the bodies that were to ensure its implementation and observance were created a few years later. The European Commission of Human Rights was established in 1955 and the European Court of Human Rights in 1959 (Madsen, 2007).

In institutional terms, the protection of the rights contained in the Convention was originally to be ensured by EComHR and ECtHR, supported by the CM-CoE. The Court has undoubtedly been at the forefront of the European Convention on Human Rights since its inception. Along with the rising number of Member States and European Convention on Human Rights signatories, the number of complaints received by the Court increased. The beginning of the 1990s brought a huge increase in the number of cases that the Strasbourg authorities had to deal with. During this period, the first major reform, introduced by Protocol No. 11 to the ECHR, took place. As part of the changes, the EComHR was abolished and the Court was transformed into a permanent court (Protocol No. 11 to the ECHR, 1994). Currently, the ECtHR plays a major role in the European system, supported by the CM-CoE (Ciżyńska-Pałosz, 2020).

A complaint mechanism has existed in the European Convention on Human Rights since its inception. It consists of an inter-state application (Article 33 of the ECHR) and an individual application (Article 34 of the ECHR). The location of an inter-state application before an individual application is not accidental. The founders of the European Convention on Human Rights considered that it was a complaint made by a state against another state that was to be the main instrument ensuring the proper implementation of the rights and freedoms set out in the Convention and its additional protocols. This was not the case, as evidenced by the number of complaints submitted. Throughout the duration of the Convention, the ECtHR has dealt with 31 cases. There were a few more complaints, 43. (European Court of Human Rights, n.d., *Knowledge Sharing*). Due to the subject matter of the application and the defendant, these complaints were combined for joint consideration. This happened, for example, with the complaints against Greece (Machowicz, Tabaszewski, 2023). In the case of individual

complaints, in 2010–2021, 40,000 to 60,000 complaints were submitted annually (European Court of Human Rights, 2022).

The complaint mechanism is supported by a reporting mechanism based on Article 52 of the ECHR. This mechanism is not competitive with the complaint system. It can be described as a complement to complaint procedures. The reporting mechanism is well known to international law in this human rights treaty. The reporting mechanism also operates in the American and African human rights systems. The Arab system of human rights protection also provides for the possibility of using reports to implement the rights set out in the Arab Charter of Human Rights (Rishmawi, 2005).

In the context of the complaint procedure, the ECtHR may carry out investigations pursuant to Article 38 of the ECHR. States Parties to the European Convention on Human Rights are obliged to provide all necessary facilities. Article 19 of the Rules of ECtHR (European Court of Human Rights, Rules of Court, Strasbourg, 28 March 2024; hereinafter: Rules of the ECtHR) states that: “The Court may decide, at any stage of the examination of an application, that it is necessary that an investigation or any other function be carried out elsewhere by it or one or more of its members.” (Rules of the ECtHR, 2024). Independent investigation is not an autonomous tool. A complaint procedure is required to initiate it.

As in the case of the investigation, the provisional measures are not spontaneous. In order to apply them, it is necessary to initiate the procedure initiated by the lodging of an application with the Court by the interested party.

### 3. American system of human rights protection

The second system of a regional nature is the American system. Under this system, Inter-American Commission on Human Rights (IAComHR) was created in 1959, and Inter-American Court of Human Rights (IACtHR) in 1979 (Contesse, 2016). The division of competences between the two bodies is analogous to that which existed in the European system until 1998 (Shaver, 2010).

The Inter-American Court of Human Rights (IACtHR), established by the American Convention on Human Rights, is often considered as the “little sister” of the European Court. Both of them are founded on the same assumptions. They provide the same types of action, and they share similar institutional mechanisms and rights. The Court decides on complaints and gives advisory opinions on specific legal issues. The IAComHR is responsible for examining

the admissibility of complaints. In addition, the IAComHR encourages a settlement between the parties, examines and produces reports on respect for human rights. An important difference is the recognition of the jurisdiction of the court. Unlike the European system where the recognition of the jurisdiction of a state arises by law from the moment of the ratification of the European Convention on Human Rights, in the American system it is necessary for the state to make a declaration of will on the recognition of the jurisdiction of the IACtHR (Haglund, 2019).

In the case of procedural guarantees, the Inter-American system is similar to the European one. It contains a complaint mechanism consisting of an individual application and an inter-state application. The differences concern the procedure for bringing and examining cases. The catalogue of the conditions for admissibility of lodging a complaint in these two legal systems is also slightly different.

The Inter-American system has created a reporting mechanism similar to that of the European system. The reporting system shall be supplemented by independent investigations and interim measures. These two instruments are non-existent and their use depends on the initiation of the complaint procedure. The Inter-American human rights system, like the European system, is equipped with a reporting system. The reporting mechanism complements the complaint system.

#### 4. African system of human rights protection

The third regional system for the protection of human rights is the African system. The creation of this system was mainly due to the decolonization of Africa and the politics of apartheid. Other reasons for its emergence were problems related to refugees, migration, social inequalities, as well as the need to protect the natural environment. In 1981 the African Charter on Human and Peoples' Rights was adopted, which marked the real beginning of the protection of human rights in Africa (Lindholt, 2019). The next stage began in 1998 with the establishment of the African Court on Human and Peoples' Rights (ACtHPR). The African Commission on Human and Peoples' Rights (AComHPR) operates alongside the Court. This institution, as in the American and European system (until 1998), is a quasi-judicial body (Killander, 2010). It does not have the competence to deal with the submitted complaints in a substantive manner. The Commission has relatively weak supervisory powers. The establishment of the ACtHPR resulted primarily from a negative assessment of the Commission, which did not have

the competences to ensure compliance with the rights set out in the African Charter. The ACtHPR has a wider jurisdiction than the European and American courts. The jurisdiction of that Court extends not only to disputes arising from the African Charter and the additional protocols, but also to disputes arising from infringements of other normative acts relating to human rights and which have been ratified by the Member States (Buergethal, 2006).

The African system provides for a complaint system comprising an individual and an inter-state application. In contrast to the European system, where the recognition of the jurisdiction of a State arises by operation of law at the time of the ratification of the European Convention on Human Rights, in the African system it is necessary for a State to declare its intention to recognise the jurisdiction of the Court.

The control mechanism also includes non-autonomous instruments. These are investigations and interim measures. The African system, like the two previous systems, also provides for a reporting mechanism.

## 5. Arab system of human rights protection

The Arab system began to emerge in the 90s with the adoption of the Arab Charter of Human Rights, revised in 2004. Under this system, a control mechanism was set up to ensure respect for the rights set out in the Arab Charter of Human Rights. The Arab system is currently at an early stage of development. Therefore, it does not cover many of the procedural and institutional guarantees that have been created in the other three systems (Hamad, Jannial, Indriyani, 2022).

Institutionally, the Arab system is based on the Arab Human Rights Committee (AComHR), which was established under Article 45 of the AChHR. There is no international court in the Arab system. Attempts of creating such a court have been made. In 2014 the Statute of the Arab Court of Human Rights (Statute of the Arab Court of Human Rights, adopted on 7 September 2014 by The Council of the League of Arab States, Ministers of Foreign Affairs) was opened for signature. According to the Statute, the seat of the court will be located in Manama, Kingdom of Bahrain (Statute of the Arab Court of Human Rights, 2014).

From a procedural point of view, the Arab system differs significantly from the other three systems because of the lack of a complaint mechanism, which is a shortcoming. The inability to lodge an individual complaint is a significant limitation on the effectiveness of the entire control mechanism.

The procedural guarantees in the Arab system are provided by the reporting mechanism set out in Article 48 of the AChHR. It obliges the parties to submit periodic reports on the basis of which the Committee publishes a final report. The reporting mechanism is so far the only procedural guarantee intended to ensure compliance with the Arab Charter of Human Rights by States Parties (Almutawa, 2021).

## 6. Effectiveness and efficiency of human rights protection at regional level

It is worth asking yourself what is the effectiveness and efficiency of human rights protection and how it can be measured. The question also arises as to how the effectiveness and efficiency of the human rights protection system and the effectiveness and efficiency of the control mechanism can be measured. Is the effectiveness and efficiency of the control mechanism the same as the effectiveness and efficiency of the regional system for the protection of human rights? Is effectiveness the same as efficiency?

The concept of effectiveness is not clear. Linguists define effectiveness as the degree to which something works well and produces the result that was intended (Macmillan Education, n.d.). Efficiency, like effectiveness, is an ambiguous term that can be understood in different ways. Efficiency means the ability to work well and produce good results by using the available time, money, supplies, etc. in the most effective way (Macmillan Education, n.d.). The effectiveness of law is to cause the anticipated intended effects by law and not to cause immeasurable effects, i.e. negative effects. It is easier to determine whether an action is effective or ineffective. In order to determine this, one must know its purpose and examine whether it has been achieved or whether it has been achieved to a sufficiently high degree or a satisfactory extent. If the objective has not been achieved or the level of implementation is insufficient, then such action should be considered ineffective.

Effectiveness and efficiency at the level of universal and regional protection of human rights depends on mechanisms that secure substantive rights. The effectiveness of the protection of human rights also depends on the efficiency of the procedures for the implementation and control of the implementation of their obligations by states. For this purpose, it is necessary to create tools that will prevent violations and, if they occur, enable the consequences of violations to be remedied. It can be assumed that the effectiveness and effectiveness of the protection of human rights is higher the more effective and efficient is the control mechanism existing in a given system of regional protection of human rights.



Each of the regional protection systems is subject to change. The reforms introduced are a response to the changing external environment of the organization. Reforms in the control mechanisms of all regional human rights systems should always aim to improve the effectiveness and efficiency of these mechanisms as well as the systems themselves. However, it does not always succeed. Sometimes the reform is too weak and not well considered. Such a reform does not bring any significant improvement. An example is the introduction of the above-mentioned Protocol No. 11 to the ECHR. This reform was supposed to relieve the ECtHR and reduce the number of complaints, which, however, failed and required further protocol changes.

It is difficult to clearly indicate which criteria best demonstrate the effectiveness and efficiency of human rights protection at regional level. This is due to several factors. The presented regional human rights protection systems are at various stages of development. The control mechanisms set up under these systems differ significantly. Moreover, the systems of regional protection of human rights were created in completely different legal, cultural and political systems. Countries that participate in these regional systems differ significantly from each other in cultural, political or economic terms.

The factors that determine the effectiveness and efficiency of regional human rights systems can be divided into those that relate to the regional system and those that relate to the control mechanism operating under such a system.

According to the author of the article, the criteria for determining the effectiveness and efficiency of the system of regional protection of human rights are:

- the number of countries belonging to the organisation within which the regional system for the protection of human rights was established;
- the number of countries that are signatories to the main normative act defining human rights and freedoms in a given regional system;
- the existence within the regional system of a court dealing with complaints, issuing advisory decisions;
- the number of Member States of organisations recognising the jurisdiction of the tribunal established under the regional system for the protection of human rights.

With regard to the control mechanism operating under the regional system, the following criteria may be proposed:

- creation of legal institutions/instruments ensuring the protection of human rights;
- the number of complaints lodged and dealt with in a given year;
- the average time taken by the court to deal with complaints;

- the manner in which complaints have been dealt with, depending on their subject matter;
- the effects of the Court's decisions;
- the level of implementation of the Court's judgments;
- the number and diversity of legal institutions created under the control mechanism.

The presented criteria can be used to assess the effectiveness and efficiency of control mechanisms and regional systems themselves. The presented criteria catalogue is not complete and is not closed. It seems that other criteria can be constructed to measure the efficiency and effectiveness of these systems.

## 7. Evaluation of the effectiveness and efficiency of regional rights protection systems

The first proposed criterion for assessing the effectiveness and efficiency of the regional human rights system is the number of member states of the organization within which the system operates (Table 1). The Council of Europe has 46 member states in the European system of protection. Up to March 15, 2022 there were 47 countries however Russia's aggression against Ukraine on February 24, 2022 led to its exclusion from the organization. Under the Inter-American system, the Organization of American States has 35 member states. The largest international organization within which the regional system of human rights protection was established is the African Union. It currently has 55 member states. On the other hand, the international organization with the smallest number of members is the League of Arab States with 22 members. In the case of the African and Arab systems, some states remain associated both in the African Union and the Arab League (e.g. Algeria, Egypt, Libya, Mauritania).

The second criterion is the number of states signatories of the main normative act containing the catalogue of rights and freedoms (Table 1). In the European and Inter-American systems, these agreements are called "conventions". In the African and Arab systems, these agreements are called "cards". The African Charter has received the most ratifications – 54 of the African Union's 55 member states. In second place is the European Convention on Human Rights with 47 ratifications. After the expulsion of Russia from the Council of Europe, 46 States Parties to the Convention remained. In third place is the American Convention on Human Rights with 25 ratifications. The last place in the ranking is occupied by the Arab system, where only 16 of the 22 states ratified the Arab Charter of Human Rights.

Another criterion concerns the establishment and functioning of a court within the regional system of human rights protection. The courts operate within the framework of the European, Inter-American and African human rights systems. In the Inter-American and African systems, there is also a quasi-judicial body in the form of a commission. The Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights were created on the model of the European Commission on Human Rights, existing in the European system until 1998. Only in the Arab system no court has been set up. However, The Arab Human Rights Commission has been created. The absence of a court has a significant impact on the effectiveness and efficiency of this system, significantly reducing it.

The next criterion is the number of member states that have recognised the jurisdiction of a tribunal operating under the scheme (Table 1). In the case of the European system, all 46 member states of the organisation have submitted to ECtHR jurisdiction. Under the African system, 12 of the 55 members of the African Union (African Court on Human And Peoples' Rights, n.d.) have declared ACtHPR's jurisdiction.

In the American system, which includes 35 member states of the Organization of American States, only 20 of them have recognized the jurisdiction of the IACtHR (Inter-American Court of Human Rights, n.d., *History*). The Arabic system has been excluded from this list due to the lack of a court operating within the framework of the system.

Table 1. Summary of regional systems for the protection of human rights by reference to the number of members of the organisation, the number of states which have ratified the Convention or the Charter and the states which have recognised the jurisdiction of the Courts and of the Commissions

Regional system of human rights protection	Number of organisation members	Number of states which have ratified the Convention or the Charter	Number of states recognising the jurisdiction of the Commission	Number of states recognising the jurisdiction of the Court
European regional human rights protection system	46	46	–	46
Inter-American regional human rights protection system	35	25	24	20
African regional human rights protection system	55	54	54	12
Arab regional human rights protection system	22	16	16	–

Source: own study based on data available at: African Court on Human And Peoples' Rights, n.d.; Inter-American Court of Human Rights, n.d., *History*; European Court of Human Rights, n.d.; League of Arab States, n.d.

Based on the analysis of the selected criteria, it seems that the most effective system of regional protection of human rights remains the European system operating within the framework of the Council of Europe, European Convention on Human Rights and ECtHR. Despite the fact that more countries are associated under the African system, the lack of mandatory jurisdiction of ACtHPR over the signatories of the African Charter reduces the effectiveness of this system.

At the level of regional protection of human rights, the Arab system seems to have the lowest effectiveness. The lack of a court and a complaint system, and the smallest number of member states among all regional organisations, significantly reduces the level of protection provided.

## 8. Effectiveness and efficiency of control mechanisms operating under regional human rights protection systems

When trying to assess the effectiveness and efficiency of control mechanisms, it is first of all necessary to compare legal institutions to ensure compliance with the catalogues of rights and freedoms. Table 2 summarizes the main elements of the control mechanisms. The analysis of the presented summary allows to draw two main conclusions. First, three regional human rights systems (African, Inter-American and European) have been equipped with similar legal institutions to ensure the protection of rights and freedoms. A different solution was adopted in the Arab control mechanism. The Arab system of regional human rights protection provides only for the reporting system of the AComHR. Therefore, it can be concluded that the system of Arab regional protection of human rights does not provide real protection for individuals/entities covered by the protection provided for in the Arab Charter of Human Rights.

Table 2. Summary of the main elements of the control mechanism in regional human rights systems

Regional system of human rights protection	Control machinery				
	individual applications	inter-state cases	reports	independent examination/independent investigation	interim measures
The European regional system of human rights protection	✓	✓	✓	✓	✓

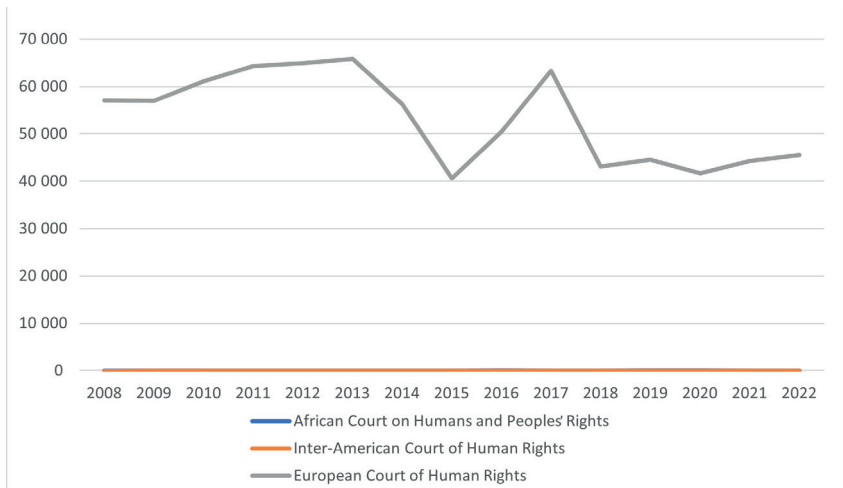
Regional system of human rights protection	Control machinery				
	individual applications	inter-state cases	reports	independent examination/independent investigation	interim measures
The Inter-American regional systems of human rights protection	✓	✓	✓	✓	✓
The African regional systems of human rights protection	✓	✓	✓	✓	✓
The Arabic regional systems of human rights protection	–	–	✓	–	–

Source: own study based on: European Convention on Human Rights and additional protocols, American Convention on Human Rights and protocols, African Charter and protocols, Arab Charter on Human Rights and protocols.

Three systems (European, Inter-American and African) provide for a complaint system consisting of an individual complaint and an inter-state complaint (Table 2). In the case of the European system, the number of individual applications received by the ECtHR in recent years ranges from around 41,000 to 45,500 (Figure). For example, 43,075 complaints were submitted in 2018. In 2019 there were 44,500 such cases. In 2020 – 41,700 cases were filed, and in 2021 – 44,250 complaints were received. In the last year (2022), 45,500 individual complaints were filed (European Court of Human Rights, 2024). In the case of the African system, the number of complaints received by the court is much lower. In 2018 ACtHPR received 33 complaints. In 2019 there were 66 complaints. In 2020 – 46 cases were filed. In 2021 there were 17 complaints. In 2022 – only 7 cases were filed. In the American system, the number of complaints received by the IACtHR is at a similar level as in the African system. In recent years, the number of complaints submitted to the IACtHR ranges from 10 to 40.

If we compare the number of cases pending before regional courts operating under regional systems, the IACtHR is currently dealing with 57 individual complaints (Inter-American Court of Human Rights, n.d., *Pending Cases at the Merits Stage*). The ACtHPR is handling 160 cases initiated by an individual complaint. In the European system of human rights protection, more than 74,650 cases are currently pending (European Court of Human Rights, 2023, January).

Figure. Number of applications filed in a given year with the tribunal operating under the regional human rights protection system



Source: European Court of Human Rights, 2024, *Statistical Reports*; Inter-American Court of Human Rights, n.d., *Judgments*; African Court on Human and Peoples' Rights, n.d., *Finalised Cases*.

The number of cases dealt with by individual tribunals also varies. For example, the IACtHR examined 34 cases in 2022. In previous years, it was successively: 27 (2021), 23 (2020), 25 (2019), 26 (2018; Inter-American Court of Human Rights, n.d., *Judgments*). In the case of the African system, the ACtHPR dealt with 43 cases in 2022. In previous years, it was successively: 36 (2021), 23 (2020), 22 (2019), 12 (2018; African Court on Human and Peoples' Rights, n.d., *Finalised Cases*). As part of the European regional human rights system, the ECtHR examined 39,570 cases in 2022, out of which 4,168 cases were brought to an end, and 35,402 cases were brought to an end by a decision of inadmissibility. In previous years, it was successively: 36,093 (2021), 39,190 (2020), 40,667 (2019), 42,761 (2018).

## Conclusion

The presented catalogues of criteria for assessing the effectiveness and efficiency of the systems and the control mechanisms operating within them are neither closed nor comprehensive. The assessment of the effectiveness and efficiency of the protection of human rights at the international level consists of many more factors. This may, for example, be the obligation for member states to ratify normative acts defining human rights and freedoms. Another criterion is the optional or compulsory obligation of a member state to submit to

the jurisdiction of the Court. Such a criterion may also be the linking of membership in the organisation with the obligation to ratify the Convention/Charter and the recognition of the jurisdiction of the Tribunal.

Based on the analysis of the selected criteria, it has been established that the highest level of effectiveness and efficiency is provided by the European regional human rights protection system and the control mechanism functioning within it. Thus, it can be considered that the system and the control mechanism created within it ensure the highest level of protection of human rights. In turn, the lowest level of protection, and thus low effectiveness and efficiency of the system and control mechanism, occurs in the Arab regional system of human rights protection. The African system and the Inter-American system provide a lower level of protection than the European system. At the same time, the protection provided by the African and Inter-American systems is higher than that provided by the Arab system.

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## Summary

The lowest level of protection is ensured under the domestic law of individual countries. The aim of the article is to develop a methodology for measuring the effectiveness of control mechanisms functioning within regional human rights protection systems and to access this effectiveness with the use of the proposed solution.

The control mechanism can be defined as a set of procedural and institutional norms ensuring the implementation of human rights and freedoms specified in a specific legal system. The effectiveness of control mechanisms in four regional systems was assessed in order to examine the existing level of human rights protection in Europe, America, Africa and the Arab countries. Based on the analysis of the selected criteria, it seems that the most effective system of regional protection of human rights remains the European system operating within the framework of the Council of Europe.

This article might be a basis for further research aimed at determining the optimal level of such protection. By optimal level of protection, the author means the highest level that can be obtained today.

**KEYWORDS:** control mechanism, efficiency, effectiveness, human rights, regional human rights protection systems

## Streszczenie

Najniższy poziom ochrony zapewnia prawo wewnętrzne poszczególnych państw. Celem artykułu jest opracowanie metodologii pomiaru efektywności mechanizmów kontrolnych funkcjonujących w ramach regionalnych systemów ochrony praw człowieka oraz dostęp do tej efektywności z wykorzystaniem proponowanego rozwiązania.

Mechanizm kontrolny można zdefiniować jako zbiór norm proceduralnych i instytucjonalnych zapewniających realizację praw i wolności człowieka określonych w danym systemie prawnym. Skuteczność mechanizmów kontrolnych w czterech systemach regionalnych została oceniona w celu zbadania istniejącego poziomu ochrony praw człowieka w Europie, Ameryce, Afryce i krajach arabskich. Na podstawie analizy wybranych kryteriów wydaje się, że najbardziej efektywnym systemem regionalnej ochrony praw człowieka pozostaje system europejski funkcjonujący w ramach Rady Europy.

Niniejszy artykuł może stanowić podstawę do dalszych badań mających na celu określenie optymalnego poziomu tej ochrony. Optymalny poziom ochrony autor rozumie jako najwyższy poziom możliwy do osiągnięcia obecnie.

**SŁOWA KLUCZOWE:** mechanizm kontroli, efektywność, skuteczność, prawa człowieka, regionalne systemy ochrony praw człowieka

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