

MAKING HUMAN RIGHTS A REALITY: THE HUMAN RIGHTS MECHANISMS

The Office of the High Commissioner for Human Rights (OHCHR) works to offer the best expertise and support to the different human rights monitoring mechanisms in the United Nations system: bodies created under the UN Charter, including the Human Rights Council and its Special Procedures; and Committees set up by international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations.

THE HUMAN RIGHTS COUNCIL

The Human Rights Council was created by the General Assembly in 2006 to replace the Human Rights Commission. This intergovernmental body, which meets in Geneva at least 10 weeks a year is composed of 47 elected United Nations Member States who serve for an initial period of 3 years, and cannot be elected for more than two consecutive terms. The Human Rights Council is a forum empowered to promote universal respect for human rights and fundamental freedoms without distinction of any kind and in a fair and equal manner, to protect the most vulnerable by responding to human rights emergencies.

The mandate of the Council includes making recommendations to the General Assembly for further development of international human rights law and undertaking a Universal Periodic Review of the fulfillment by each State of its human rights obligations and commitments. The Human Rights Council also has the ability to react quickly to human rights emergencies in countries.

The Human Rights Council is a separate entity from OHCHR. The Council is an intergovernmental body, whose mandate is different from that of OHCHR which is part of the UN Secretariat and answers to the Secretary-General. OHCHR provides technical, substantive and secretariat support to the Council.



The Human Rights Council at its inaugural session

SPECIAL PROCEDURES

Special Procedures is the general name given to the mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. Special Procedures are either an individual, a special rapporteur, representative or independent expert, or a working group. Special Procedures mandate-holders are prominent experts working on a voluntary basis, appointed by the Human Rights Council. As of March 2008, there are 30 thematic mandates ranging from torture to education or violence against women, and 8 country mandates for Burundi, Cambodia, DPR of Korea, Haiti, Myanmar, the Occupied Palestinian Territories, Somalia, and Sudan.

Special Procedures mandate-holders usually serve a maximum of 6 years, with country mandates reviewed every year, and thematic mandates reviewed every 3 years.

They research and study issues of concern, carry out visits to countries, receive and consider complaints from victims of human rights violations or their representatives, inquire with Governments on their behalf, and issue public statements. These experts report to the Human Rights Council on their findings and recommendations. Special Procedures are sometimes the only mechanism that will alert the international community to certain human rights issues.

OHCHR supports the work of these experts through its Special Procedures Division and its Research and Right to Development Division, which provide support to thematic rapporteurs through fact-finding and legal expertise, research and analytical work, policy guidance, information and communication tools, and administrative and logistical services. The Field Operations and Technical Cooperation Division supports the work of country-mandated rapporteurs. UN country officials provide additional support in the field



Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and indigenous peoples (sitting third from left), at a ceremony in Kenya

THE TREATY BODIES

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, States have become party to eight core interdependent, interrelated and mutually reinforcing treaties to enforce human rights. Some of the treaties are supplemented by optional protocols dealing with specific concerns. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were the first legally binding international instruments that were drafted. Together with the UDHR they form what is called the “International Bill of Human Rights”. “Treaty bodies”, or Committees, have been put in place to support States parties (States who have ratified a treaty) in monitoring the implementation of all treaties they have ratified under international law. OHCHR assists treaty bodies in harmonizing their working methods and reporting requirements through their secretariats.

- ▶ The Human Rights Committee (HRC) monitors implementation of the International Covenant on Civil and Political Rights 1966 and its optional protocols;
- ▶ The Committee on Economic, Social and Cultural Rights (CESCR) monitors implementation of the International Covenant on Economic, Social and Cultural Rights 1966;
- ▶ The Committee on the Elimination of Racial Discrimination (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 1965;
- ▶ The Committee on the Elimination of Discrimination against Women (CEDAW) monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women 1979;
- ▶ The Committee against Torture (CAT) monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment 1984;
- ▶ The Committee on the Rights of the Child (CRC) monitors implementation of the Convention on the Rights of the Child 1989 and its optional protocols; and
- ▶ The Committee on Migrant Workers (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990.
- ▶ The Committee on the Rights of Person with Disabilities (CRPD) monitors implementation of the Convention of the Rights of Person with Disabilities and its optional protocols 2006.

The International Convention for the Protection of All Persons from Enforced Disappearance was adopted and approved by the General Assembly on December 2006 but has not yet entered into force.

Treaty bodies are made up of 18 to 23 independent experts who, after examining reports from States, will give their recommendations. In some cases, individual complaints will also be considered.

Treaty bodies usually meet in session twice a year in Geneva, with the exception of the Human Rights Committee which additionally meets once a year in New York.