

Human Rights, United Nations High Commissioner for (UNHCHR)

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A. Notion

1. Organizational Structure

- 1 The post of United Nations High Commissioner for Human Rights (UNHCHR or ‘High Commissioner’) was established in 1993 by Resolution 48/141 of the United Nations General Assembly, following a recommendation by the → *Vienna World Conference on Human Rights (1993)* (‘WCHR’; see also → *Human Rights*; → *United Nations [UN]*; → *United Nations, General Assembly*). The UNHCHR has the rank of UN Under-Secretary-General and heads the Office of the High Commissioner for Human Rights (‘OHCHR’ or ‘Office’). The High Commissioner is the principal UN official responsible for human rights activities of the UN (→ *Human Rights, Activities of International Organizations*). He/she performs his/her duties under the direction and authority of the UN Secretary-General (→ *United Nations, Secretary-General*). There is also a Deputy High Commissioner for Human Rights, who is appointed at the level of Assistant-Secretary-General.
- 2 The OHCHR is part of the UN Secretariat. It is based in Geneva, and is composed of four branches, the Treaties and Commission Branch, the Special Procedures Branch, the Research and Right to Development Branch, and the Capacity Building and Field Operations Branch, in addition to the Executive Office of the High Commissioner and a number of units and one service that report to the Deputy High Commissioner. The liaison office in New York represents the UNHCHR at UN headquarters, at meetings of policy-making organs, at inter-departmental and inter-agency meetings and at meetings with → *non-governmental organizations* (‘NGOs’).

2. History and Evolution

- 3 Already at the time of the drafting of the → *Universal Declaration of Human Rights (1948)*, René Cassin, the French representative in the Commission on Human Rights ('UNCHR'; → *United Nations Commission on Human Rights/United Nations Human Rights Council*), suggested to establish the post of Attorney-General for Human Rights who could assist individuals and groups in proceedings before a newly to be established tribunal. This proposal was dismissed, subsequent proposals for a human rights commissioner did not refer to a human rights tribunal. In 1950 Uruguay submitted a proposal to the UNCHR for an Attorney-General or High Commissioner. This permanent organ would play a role in the implementation and supervision of the → *International Covenant on Civil and Political Rights (1966)*, which was drafted in that period. The proposal was rejected. In the early 1960s another proposal was initiated by NGOs and subsequently introduced to the UNCHR by Costa Rica in 1965. This proposal provided for the establishment of a High Commissioner for Human Rights. There was substantial support for this proposal and the UNCHR adopted it. In 1967, the UN Economic and Social Council (→ *United Nations, Economic and Social Council [ECOSOC]*) subsequently recommended the UN General Assembly to establish the post of High Commissioner, but under the tensions of the → *Cold War (1947–91)* the UN General Assembly did not achieve consensus. The idea was revived by → *Amnesty International (AI)* in the preparatory process leading to the WCHR in 1993. AI believed that a major new initiative was needed for the promotion and protection of human rights; and it called upon States to establish a Special Commissioner for Human Rights 'as a new high-level political authority within the United Nations system' (UNGA 'NGO-Forum Final Report' [13 June 1993] UN Doc A/CONF.157/7 para. 3; see also → *Human Rights, Role of Non-Governmental Organizations*). After long and intense negotiations, the WCHR reached consensus.
- 4 The UN General Assembly adopted Resolution 48/141 in December 1993 establishing the post of a High Commissioner for Human Rights without a vote (see also → *Consensus; International Organizations or Institutions, Voting Rules and Procedures*). Subsequently, it appointed José Ayala Lasso (Ecuador) as the first High Commissioner. He was succeeded by Mary Robinson (Ireland) in 1997, who was in turn succeeded by Sergio Vieira de Mello (Brazil) in 2002. Vieira de Mello, together with 22 colleagues, was killed when the UN headquarters in Baghdad was attacked on 19 August 2003. From 2003 to 2004, Bertrand Ramcharan (Guyana) was acting High Commissioner. In 2004, Louise Arbour (Canada) was appointed.
- 5 In The OCHRC Plan of Action: Protection and Empowerment ('Plan of Action') of 2005, Ms L Arbour has formulated as the major challenge 'closing the gap between the lofty rhetoric of human rights in the halls of the United Nation and its sobering realities on the ground' (para. 2). She sees two categories of challenges: human rights challenges arising from general situations, patterns or contexts that contribute to abuse; and implementation challenges posing more concrete obstacles to the protection of human rights (Plan of Action para. 8). Under the former, she refers to issues such as poverty, impunity for human rights violations and democracy deficits (ibid paras 10–21; see also → *Democracy, Right to, International Protection*).

3. Mandate

- 6 The mandate of the UNHCHR is based on the 1993 UN General Assembly Resolution 48/141, which defines as his/her responsibilities (at para. 4):

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- (i) To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights;
 - (ii) To carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights;
 - (iii) To promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose;
 - (iv) To provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;
 - (v) To coordinate relevant United Nations education and public information programmes in the field of human rights;
 - (vi) To play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;
 - (vii) To engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;
 - (viii) To enhance international cooperation for the promotion and protection of all human rights;
 - (ix) To coordinate the human rights promotion and protection activities throughout the United Nations system;
 - (x) To rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;
 - (xi) To carry out overall supervision of the Centre for Human Rights.
- 7 As a consequence of the increasing attention for human rights, additional tasks continue to be entrusted to the UNHCHR. UN Secretary-General Kofi Annan stressed the relevance of the UN activities in the field of human rights in his 2002 report 'Strengthening of the United Nations: An Agenda for Further Change' ('Agenda for Further Change'). He requested the High Commissioner to enhance the effectiveness of treaty-based and charter-based monitoring procedures (see also → *International Monitoring and Surveillance*) and to develop and implement a plan to strengthen human rights related actions at the country level (Agenda for Further Change paras 45–58). The UN Secretary-General underlined the relevance of the integration of human rights into all UN activities in his 2005 report 'In Larger Freedom: Towards Development, Security and Human Rights for All'; he stated: '[W]e will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights' (para. 17).

4. Functions

- 8 The UNHCHR's functions relate to preventing human rights violations, responding to violations, promoting implementation of human rights standards (see also → *Human Rights, Domestic Implementation*), enhancing international co-operation (see also → *Co-operation, International Law of*), co-ordinating related activities throughout the UN, strengthening and streamlining the UN system in the field of human rights and integrating human rights into all work carried out by UN agencies (see also → *United Nations, Specialized Agencies*).

(a) Supporting the United Nations Human Rights Machinery

(i) Supporting Human Rights Treaty Bodies

- 9 The OHCHR supports six of the seven human rights treaty bodies (→ *Human Rights, Treaty Bodies*): the → *Human Rights Committee*, the → *Committee on Economic, Social and Cultural Rights (CESCR)*, the Committee on the Elimination of Racial Discrimination (see also → *Racial and Religious Discrimination*), the Committee Against Torture (see also → *Torture, Prohibition of*), the Committee on the Rights of the Child (see also → *Children, International Protection*), and the Committee on Migrant Workers (see also → *Migrant Workers*). The Committee on the Elimination of Discrimination against Women is supported by the Division on the Advancement of Women in New York, but the servicing will be transferred to the OHCHR in the near future (see also → *Women, Rights of, International Protection*).
- 10 The OHCHR provides substantive and → *technical assistance* to the human rights treaty bodies in the preparation and conduct of their sessions. It supports efforts to ensure more effective co-ordination among the various bodies, and between the bodies and other stakeholders. It has undertaken activities aimed at strengthening → *compliance* with reporting obligations (see also → *Human Rights, State Reports*) and improved follow-up to, and implementation of, treaty body recommendations at the national level and views adopted under the individual complaints procedures, through training and capacity-building (see also → *General Comments/Recommendations*; → *Human Rights, Individual Communications/Complaints*). In addition, OHCHR develops automated systems to streamline and rationalize documentation. It supports the individual treaty bodies, as well as the inter-committee meetings and the meetings of chairpersons in which co-ordination takes place.

(ii) Supporting Charter Based Machinery

- 11 The OHCHR supports the political organs with responsibilities in the field of human rights, in particular the UN Human Rights Council ('UNHRC'), the body that succeeded the UNCHR. It supports the mandates that the UNHRC inherited from the UNCHR and any new mandates the UNHRC establishes. It concerns the special rapporteurs, special representatives, independent experts and working groups, that together are called the special procedures (see also → *Special Rapporteurs of Human Rights Bodies*). The officials address human rights situations either in countries or by thematic issue. OHCHR supports these mechanisms by providing them with thematic, → *fact-finding*, and legal expertise, research and analytical work, as well as administrative and logistical support.

(b) Advisory Services

- 12 The UN technical co-operation programme in the field of human rights aims at protection and empowerment through promoting and supporting the incorporation of international human rights standards into national laws, policies and practices and through building national human rights capacities and infrastructure. Under the programme, States receive substantive advice and assistance in the field of human rights. It takes a comprehensive programmatic approach to supporting national efforts towards building a strong human rights framework. The programme is primarily funded by the UN Voluntary Fund for Technical Cooperation in the Field of Human Rights.
- 13 The OHCHR through its technical co-operation programme supports the human rights-related programmes of its partners, especially the → *United Nations Development*

Programme (UNDP) and the UN country teams. The Office also undertakes activities at the field level in co-operation with human rights components of → *peacekeeping* missions and other UN agencies.

(c) Supporting Domestic Implementation of Human Rights

- 14 Through its activities, both at a policy formulation and an operational level, OHCHR seeks to contribute to the creation of strong protection systems in the field of human rights. The Office implements programmes and activities in a large number of countries, with the aim of building or strengthening national human rights capacities and infrastructures and contributing to removing obstacles to peace.

(i) Field Presences

- 15 OHCHR has established field presences in 40 countries with the aim of supporting the creation of strong human rights national protection systems. Especially in countries that emerge from conflict, the office has also established presences that, *inter alia*, are mandated by the competent legislative organs to monitor the human rights situation, bring individual cases or patterns of violations to the attention of government authorities and assist victims in seeking redress (see also → *Human Rights, Remedies*; → *Transitional Justice in Post-Conflict Situations*). The field presences combine work aimed at protecting and promoting human rights and are based on memoranda of understanding signed with the governments concerned. Activities include strengthening national capacities in the area of human rights protection, strengthening operational capacities in the area of administration of justice and sensitizing government officials, → *civil society* and individuals to human rights issues.
- 16 For example, OHCHR undertakes substantive human rights activities and supports transitional justice processes in countries such as Afghanistan and Iraq. The objectives for Afghanistan include providing advice on integrating human rights into the work of the United Nations Assistance Mission in Afghanistan ('UNAMA'); helping UNAMA to ensure that all UN activities integrate the promotion and protection of human rights; assisting the Afghan government and the Afghanistan Independent Human Rights Commission ('AIHRC'); implementing human rights provisions under the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions of December 2001 ('Bonn Agreement'; available at <<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>> [2 May 2008]; see also → *Afghanistan, Conflict*); and supporting the mandate of the High Commissioner to report to the UN General Assembly and the UNHRC on the human rights situation in Afghanistan and the achievements in technical assistance in the field of human rights.

(ii) National Human Rights Institutions

- 17 The UN Secretary-General placed in his 2002 report Agenda for Further Change a priority on the development by the UN of the capacity of national human rights institutions. He stressed the importance of such institutions for the protection of human rights in a sustained manner.
- 18 The OHCHR supports development and strengthening of national human rights institutions. It aims to create impartial, independent and autonomous entities involved in the enforcement of international standards. The Office conducts seminars and workshops to provide government officials with information on the structure and functioning of such

bodies, and to exchange experiences; and supports networking among national institutions at the regional and international levels.

(iii) Information to the Public and Professional Groups

- 19 The OHCHR published a variety of leaflets, called Fact Sheets making information about human rights instruments and treaty monitoring bodies, complaints procedures, the functioning of special procedures and human rights issues accessible to the public at large.
- 20 The Professional Training Series consists of handbooks and manuals intended to increase awareness of international standards. It is directed at target audiences selected for their ability to influence the human rights situation at the national level. They are primarily designed to support the training activities of the technical co-operation programme of the OHCHR, but also serve as practical tools for organizations that provide human rights education to professional groups. Manuals have been prepared for groups such as law enforcement officials and judges, prosecutors and lawyers.
- 21 The Human Rights Education Series consists of materials aimed at supporting general human rights education efforts (see also → *Human Rights Education*).

B. Position within the United Nations

1. Principal Responsibility for United Nations Human Rights Activities

- 22 The UN General Assembly resolution defining the UNHCHR's mandate specifies that the High Commissioner shall be 'the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General' (UNGA Res 48/141 para. 4); it further states that the official carries out his/her responsibilities 'within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights' (ibid.).

2. Co-ordination of Human Rights Activities within the United Nations

- 23 The OHCHR supports the streamlining of the various monitoring procedures and working methods of the treaty bodies and development of further proposals to rationalize the treaty body system.
- 24 Mechanisms for improving co-ordination among special procedures and between special procedures and OHCHR staff have been established. These include convening an annual meeting, establishing a co-ordination committee, and holding an electronic discussion forum. Services common to all special procedures mandates have been considerably enhanced.

3. Integration of Human Rights into the United Nations System

- 25 The UNHCHR is responsible for co-ordinating the promotion and protection of human rights within the UN system. Most of the UN policy discussions on matters of peace,

security and development take place in New York. The OHCHR's liaison office in New York is actively engaged in these discussions.

(i) Human Rights in Peace Missions

- 26 Interdepartmental consultations on co-ordination by the UNHCHR led to the UN Secretary-General's decision on human rights in integrated missions, adopted in October 2005. This decision constitutes a significant step in bringing human rights to the heart of the work of peace missions and is a cornerstone of a consolidated co-operation between the UN Department of Peacekeeping Operations and the UN Department of Political Affairs and OHCHR as well as UN country teams. All UN entities have a responsibility to ensure the integration of human rights into field operations and the consolidation of core human rights functions in field missions. All core human rights functions in an integrated mission will be co-ordinated by one human rights component. The OHCHR is the 'lead agency' for human rights operations. Heads of human rights components of peace missions are representatives of the UNHCHR. OHCHR is working closely with the Department of Peacekeeping Operations, the Department of Political Affairs, individual peace missions, as well as other partners, to implement the decision of the UN Secretary-General. The 2005 UNHCHR's Plan of Action states that the protection of human rights must be at the core of policies to address conflicts (at paras 15–17).

(ii) Human Rights in Humanitarian Work

- 27 The strengthening of collaboration with humanitarian actors is a major objective of OHCHR, not only in the context of conflicts or in post-conflict times, but also in relation to natural disasters (→ *Humanitarian Assistance in Cases of Emergency*; → *Humanitarian Assistance, Access in Armed Conflict and Occupation*). OHCHR has built partnerships with humanitarian agencies and engage with humanitarian-related mechanisms. The Office has supported the development of tools for humanitarian response, and has taken the lead in the drafting of the 2006 'Human Rights Guidance Note for Humanitarian Coordinators'. The Office is part of initiatives to mainstream human rights into humanitarian assistance/relief in the aftermath of natural disasters. For example, since 2004, a senior human rights adviser has been deployed to Sri Lanka to work under the Resident Coordinator system to mainstream human rights in the work of the UN in support of the peace process but also to provide advice to the UN country team on rights-based approaches to the humanitarian response following the Asian Tsunami in December 2004.

(iii) Human Rights in Development Activities

- 28 A concrete example of the integration of human rights in development activities of the UN is 'Human Rights Strengthening' ('HURIST'), a joint programme of UNDP and OHCHR. HURIST supports the implementation of UNDP's policy on human rights as formulated in its 1998 policy document 'Integrating Human Rights with Sustainable Human Development'. Within the framework of this programme, activities are undertaken with respect to human rights aspect of poverty reduction (see also → *Standard of Living, Promotion of*). Another initiative relates to → *good governance* and human rights.

4. Co-ordination of Work of United Nations Agencies in Implementation Activities on the Ground

- 29 OHCHR works with other UN agencies in implementing activities. It works closely with UNDP, the → *United Nations Children's Fund (UNICEF)*, the → *United Nations Educational, Scientific and Cultural Organization (UNESCO)*, the → *United Nations Population Fund (UNFPA)*, the → *United Nations Development Fund for Women (UNIFEM)*, the Division for the Advancement of Women of the Secretariat, the Department of Peacekeeping Operations, the United Nations Staff College, and the Office of the United Nations High Commissioner for Refugees (→ *Refugees, United Nations High Commissioner [UNHCR]*). OHCHR is also assisting UN country teams in integrating a human rights-based approach to their development programmes.

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