

India and UNHRC

May 9, 2019

Manifest Pedagogy

Human Rights as a topic is highly relevant this year due to many reasons : India becomes member of UNHRC, NHRC 25 years of its formation in 2018, Issues of Human Rights of Rohingyas etc. Hence this topic needs to be prepared holistically ranging from concept of Human Rights to mechanisms to govern them nationally and internationally.

In news

India became the member of UNHRC

Placing it in the syllabus

Important International institutions, agencies and fora- their structure, mandate.

Static dimensions

- What is UNHRC
- Composition and organization
- Powers, functions and success

Current dimensions

- Membership and election process.
- Earlier UN Human Rights Commission.
- How is Human rights council and improvement over commission.

Content

What is UNHRC?

- The Human Rights Council is the body created by United Nations Member States to strengthen the promotion and protection of human rights around the world.
- The Human Rights Council is an **inter-governmental body** within the United Nations system responsible for **strengthening the promotion and protection of human rights around the globe** and for addressing situations of human rights violations and make recommendations on them.
- The Council was created by the United Nations General Assembly on 15 March 2006 by **resolution 60/251**.
- It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.
- It meets at the UN Office at Geneva.
- The Human Rights Council **replaced the former United Nations Commission on Human Rights**.

Composition and organization

- UNHRC is composed of **47 Member States** elected from the UN General Assembly to staggered three-year terms, with a specified number of seats going to each major geographic region.
- General Assembly Resolution 60/251 provides that **Members States should be elected** considering **“the contribution of candidates to the promotion and protection of human rights”** and “members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.” In practice, these standards are open to interpretation and the human rights records of States seeking election to the Council have been the subject of significant controversy.

Powers, functions and success

- **The Council acts as a forum for dialog among States, with input from other stakeholders. As a result of its**

discussions, the Council may issue resolutions calling on States to take specific actions or uphold certain principles, or it may create mechanisms to investigate or monitor questions of concern.

- The Human Rights Council has created or renewed the mandates of various “special procedures.” The special procedures are experts appointed to monitor human rights around priority themes or in specific countries with serious human rights problems.
- It **manages the Universal Periodic Review**, a process through which each UN Member State’s overall human rights record is reviewed.
- The **Council receives complaints alleging patterns of human rights violations**, which are considered by the Working Group on Communications and may be referred to the Working Group on Situations.
- UNHRC conducts its substantive work primarily in Regular Sessions and Special Sessions. Regular Sessions are held no fewer than three times a year, usually in March, June, and September.
- The agency is mandated to **lead and co-ordinate international action to protect refugees** and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees.
- It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country.
- UNHRC played a major role in **creating awareness** of the issues faced by refugees around the world.

Membership and election process

- **The Council’s Membership is based on equitable geographical distribution.** Seats are distributed as follows:

1. African States: 13 seats

2. Asia-Pacific States: 13 seats
 3. Latin American and Caribbean States: 8 seats
 4. Western European and other States: 7 seats
 5. Eastern European States: 6 seats
- Membership to the Council is **open to all Member States of the United Nations**. Members are **elected by the General Assembly through individual and direct votes by absolute majority** (97 votes). **Ballots are secret** and elections are held every year.
 - **Members of the Council serve for a period of three years** and are not eligible for immediate re-election after serving two consecutive terms.

About earlier UN Human Rights Commission

- The United Nations Commission on Human Rights (UNCHR) was a functional commission within the overall framework of the United Nations from 1946 until it was replaced by the United Nations Human Rights Council in 2006.
- It was a **subsidiary body of the UN Economic and Social Council (ECOSOC)**, and was also assisted in its work by the Office of the United Nations High Commissioner for Human Rights (UNOHCHR).
- **It was the UN's principal mechanism and international forum concerned with the promotion and protection of human rights.**
- Structure: At the time it was extinguished, the Commission consisted of representatives drawn from 53 member states, elected by the members of ECOSOC. There were no permanent members; each year (usually in May) approximately a third of the seats of the Commission would come up for election, and the representatives were appointed for a three-year term. Seats on the Commission were apportioned by region, using the mechanism of the United Nations Regional Groups.

- **Mandate:** The Commission on Human Rights was intended to examine, monitor and publicly report on human rights situations in specific countries or territories (known as country mechanisms or mandates) as well as on major phenomena of human rights violations worldwide (known as thematic mechanisms or mandates)
- **Special Procedure:** The Commission on Human Rights established 30 special procedures, or mechanisms, to address specific country situations or thematic issues such as freedom of expression and opinion, torture, the right to food, and the right to education. Individuals with expertise in particular areas of human rights were appointed by the chair of the Commission to serve as Special Rapporteurs for a maximum of six years.

How is Human rights council and improvement over commission?

- The Commission on Human Rights had many proud accomplishments, particularly in setting global human rights standards. But many new features make the Council an even stronger body. For example, the **Commission's members were really selected behind closed doors and then "elected" by acclamation**. By contrast, the **new members of the Council had to compete for seats**, and successful candidates needed to win the support of a majority of all member states, in a secret ballot.
- **For the first time ever, candidates gave voluntary commitments to promote and uphold human rights**, and will be expected to meet them or else face possible suspension from the Council.
- The resolution establishing the Council also stresses the **importance of ending double-standards**, a problem that plagued the past Commission. Thus, the Council will also have a new **universal periodic review mechanism**, which will offer the Council – and the world – the opportunity to examine the records of all 191 member States of the United Nations.

- Unlike before, **no country can escape scrutiny**. This promises to be a very powerful tool for human rights advocates worldwide.
- In addition, the **Council will meet throughout the year**, whereas the Commission's limited six-week schedule severely impaired its effectiveness and flexibility. With this precious additional time, the Council will be able to undertake preventive initiatives to defuse simmering crises, and to respond quickly to emerging human rights crises.