

J & K and Human rights council

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Source: *The Hindu*

Manifest pedagogy: UNHRC is an important international institution. It has been in news recently for reasons ranging from the US withdrawal of funding to its stand on the J&K issue. The static dimension of structure and functioning of UNHRC is important for us.

In news: The UN Human Rights council has said that J & K is an integral part of India.

Placing it in syllabus: UN and its agencies

Dimensions:

- UN Human Rights council
- Comparison with earlier body Human Rights Commission
- Criticisms against Council and reforms needed

Content:

UN Human Rights council (UNHRC):

- UNHRC is a United Nations body whose mission is to **promote and protect human rights around the world.**
- It has **47 members** elected for staggered **three-year terms** on a regional group basis.
- Headquarters is in **Geneva, Switzerland.**
- It was established by the UN General Assembly **on March 15, 2006** by a resolution to replace the UN Commission on Human Rights
- It **works closely with the** Office of the High Commissioner for Human Rights (**OHCHR**).
- The UNHRC holds **regular sessions three times** a year, in

March, June, and September.

Functions:

- It **investigates allegations of breaches of human rights** in UN member states, and addresses important thematic human rights **issues such as**
 - freedom of association and assembly,
 - freedom of expression,
 - freedom of belief and religion,
 - women's rights,
 - LGBT rights,
 - rights of racial and ethnic minorities

Structure:

- The members of the General Assembly elect the members who occupy the UNHCR's seats.
- The **term of each seat is three years.**
- **No member may occupy a seat for more than two consecutive terms.**
- The seats are **distributed** among the UN's regional groups **as follows:**
 - 13 for Africa,
 - 13 for Asia,
 - 6 for Eastern Europe,
 - 8 for Latin America and the Caribbean (GRULAC),
 - 7 for the Western European and Others Group (WEOG).
- Members are **eligible for re-election for one additional term**, after which they must relinquish their seat.
- The **General Assembly can suspend the rights and privileges of any Council member** that it decides has persistently committed gross and systematic violations of human rights during its term of membership.
- The **suspension process requires a two-thirds majority vote** by the General Assembly.

Comparison with earlier body 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 UNHRC in 2006.
- It was a **subsidiary body of the UN Economic and Social Council (ECOSOC)**.
- It had a **membership of 53** elected by the ECOSOC through a majority of those present and voting.
- **From 1947 to 1967**, it **concentrated on promoting human rights** and helping states elaborate treaties, but **not on investigating or condemning violators**.
- In **1967**, the Commission **adopted interventionism as its policy**.
- Due to decolonization of Africa and Asia, many countries pressed for a more active UN policy on human rights issues, especially in light of massive violations in apartheid South Africa.
- The new policy meant that the Commission would also **investigate and produce reports on violations**.
- But it was not able to make the Commission as effective as desired, due to **politicization of the body**.
- It **had been strongly criticised for** allowing countries with poor human rights records to be members.
- The Commission held its **final meeting in Geneva on March 27, 2006**.

Criticisms against Council and reforms needed:

- The United States had boycotted the UNHRC during the George W. Bush administration to protest the **repressive states among its membership** (In March 2009 the Obama administration reversed that position and decided to “re engage” and seek a seat on the UNHRC).
- **Countries with questionable human rights records** that have served on the UNHRC include Cuba, Saudi Arabia, China, Indonesia and Russia.
- It was **criticized in 2009 for adopting a resolution**

submitted by Sri Lanka praising its conduct in Vanni that year, ignoring pleas for an international war crimes investigation.

- The UNHRC has been accused of **focusing disproportionately on the Israeli–Palestinian conflict** and Israel’s occupation of the West Bank.
- The Council voted on 30 June 2006 to make a review of alleged human rights abuses by Israel a **permanent feature of every council session (Agenda Item 7)**.
- On 19 June 2018, the **United States pulled out of the UNHRC** accusing the body of bias against Israel and a failure to hold human rights abusers accountable.