

OHCHR and Human Rights

February 3, 2021

The OHCHR has expressed serious concern about the detention of human rights defenders in India, including those arrested in the controversial Bhima Koregaon case, and has urged the Indian authorities to release the detainees “at the very least on bail while they await trial”. Understanding the functions and mandate of this international body is essential for holistic preparation.

In news: UN Human Rights Office Urges Release of Bhima Koregaon Activists ‘at the Very Least on Bail’

Placing it in syllabus: Foreign Affairs

Dimensions

- OHCHR: Origin , Nature,
- Functions and Powers of OHCHR
- Comparison between OHCHR and UNHRC

Content

OHCHR: Origin and Nature:

- The **Office of the United Nations High Commissioner for Human Rights** is commonly known as the **Office of the High Commissioner for Human Rights (OHCHR)** or the **UN Human Rights Office**.
- It is a **department of the Secretariat** of the United Nations
- It works to promote and protect the human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948.
- The office is **headed by the High Commissioner for Human Rights**, who co-ordinates human rights activities throughout the UN System and acts as the secretariat of the Human Rights Council in Geneva, Switzerland.

- The current High Commissioner is **Michelle Bachelet of Chile**
- OHCHR is an ex officio member of the Committee of the United Nations Development Group.
- The office was **established** by the UN General Assembly on **20 December 1993** in the wake of the **1993 World Conference on Human Rights**.
- Almost 2/3rd of the funding for the Office comes from voluntary contributions from donors and member states. The rest is covered by the general budget of the UN.

Functions and Powers of OHCHR:

OHCHR is entrusted by the **United Nations General Assembly (UNGA)** with a mandate to promote and protect human rights for all.

To promote UN Human Rights, the OHCHR does the following:

- Works with and assists Governments in fulfilling their human rights obligations
- Speaks out objectively in the face of human rights violations worldwide
- Provides a forum for identifying, highlighting and developing responses to today's human rights challenges
- Acts as the principal focal point of human rights research, education, public information, and advocacy activities
- Works with a wide range of partners in order to widen the constituency for human rights worldwide.

United Nations Human Rights Council (UNHRC)

- UNHRC was established by the General Assembly as the key United Nations **intergovernmental body** responsible for human rights.
- It is a **subsidiary organ of the United Nations General Assembly**
- The headquarters of UNHRC is in **Geneva, Switzerland**.

- It was established by the UN General Assembly on **15 March 2006** to **replace the UN Commission on Human Rights (UNCHR)**
- Decisions and actions by the Council, which consists of State representatives, are the result of negotiations among Member States.
- It is made of **47 Member States**, which are **elected by the majority of members** of the General Assembly of the United Nations through **direct and secret ballot**.
- The members are elected for a period of three years, with a maximum of two consecutive terms.
- The General Assembly takes into account the candidate States' contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard.

Comparison between OHCHR and UNHRC:

Even though the mission of OHCHR and UNHRC is to promote and protect human rights around the world, they differ in the following ways:

1. UNHRC is a **political body** consisting of State representatives and reporting directly to the UN General Assembly (UNGA) with a comprehensive human rights mandate. However, OHCHR is an **executive body** whose officials are appointed.
2. **UNHRC can investigate allegations of breaches of human rights** in United Nations member states, and addresses important thematic human rights issues. Whereas, OHCHR assists and works with the governments in fulfilling their human rights obligations.
3. UNHRC is a subsidiary organ of the UNGA whereas OHCHR is a part of the United Nations Secretariat. OHCHR coordinates human rights activities throughout the UN System and acts as the secretariat of the UNHRC in Geneva, Switzerland.

What are human rights?

- Human rights are rights we have simply because we exist as human beings.
- They are not granted by any state.
- These **universal rights are inherent to all humans**, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status.
- They range from the most fundamental – the right to life – to those that make life worth living, such as the rights to food, education, work, health, and liberty.
- The **Universal Declaration of Human Rights (UDHR)**, adopted by the UN General Assembly in 1948, was the first legal document to set out the fundamental human rights to be universally protected.
- The UDHR continues to be the foundation of all international human rights law.
- Its 30 articles provide the principles and building blocks of current and future human rights conventions, treaties and other legal instruments.
- The UDHR, together with the 2 covenants – the **International Covenant for Civil and Political Rights**, and the **International Covenant for Economic, Social and Cultural Rights** – make up the **International Bill of Rights**.
- The **principle of universality** of human rights means that all human beings are equally entitled to their human rights.
- Human rights are **inalienable**. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.
- All human rights are **indivisible and interdependent**. This means that one set of rights cannot be enjoyed fully without the other.
- For example, making progress in civil and political

rights makes it easier to exercise economic, social and cultural rights. Similarly, violating economic, social and cultural rights can negatively affect many other rights.

Mould your thought: Write a short note on the Office of the High Commissioner for Human Rights (OHCHR). How is it different from UNHRC?

Approach to the answer:

- Introduction
- Write about the origin, nature and functions of OHCHR
- Mention the differences between OHCHR and UNHRC with examples
- Conclusion