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The reform of the United Nations Human Rights System

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The replacement of the Commission on Human Rights by the UN Human Rights Council is not only a change of name. The Commission had serious problems of credibility with respect to human rights. Countries were joining the Commission in order to eschew scrutiny of their human rights situation.

The Commission was also too low within the UN hierarchy; it did not have enough power to be effective. The Human Rights Council today responds directly to the UN General Assembly.

The Council's mandate is to study the human rights situation in all countries.

Periodic universal review: all countries, including the members of the Council, will be examined with respect to their human rights situation. There will be a process by which countries being reviewed will submit reports. The country will then be examined by the Council. This shows that the United Nations is truly promoting human rights in all countries of the world.

The structure of the Council:

Before, members were not elected. Now they are elected by secret ballot. Members can also be suspended if they do not respect their commitments with respect to human rights. A suspension process could be instigated with respect to Zimbabwe's membership in the Council, for instance.

All countries can put forth their candidatures to become members.

All members must adhere to the highest human rights norms.

Each member must commit to concrete improvements with respect to the human rights situation in their countries.

South Africa, for instance, has agreed to ratify three treaties.

Pakistan has agreed to establish an independent commission on human rights.

What is at play?

The system of special rapporteurs: a lot of lobbying has been undertaken in order for independent rapporteurs to remain where they are.

Many countries did not want the Council to produce reports on their human rights situations.

There will be a treaty organ within the Council. More success in coordinating activities and directives.

United Nations' approach is founded on human rights. Development objectives founded on human rights. The universality and indivisibility of rights as well as gender equality are at the basis of the actions undertaken by the United Nations in terms of human rights.

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How can human rights educators effectively use the UN human rights system?

The human rights Council runs a global program for human rights education. The Council has inherited special procedures from the Commission, which deal with different questions tied to human rights. The Council has a special mandate: it must promote human rights at a global level. The new element is the universal periodic review of all countries in terms of human rights. It enables to see, for instance, what human rights educational services have been implemented in those countries.

What can we do? Practical ideas:

Participate in the meetings of the Council. Any organization can make a request to obtain a consultative status in the New York offices – which gives the right to participate in meetings. It does not require many means and constitutes a great opportunity to participate actively in the Council.

Contact the NGO working groups on human rights education in Geneva, by e-mail for instance.

Contact the working groups of the world program for human rights education. The program constitutes a platform between NGOs and governments. Governments have accepted to implement human rights education in their countries.

For those who work in the school system, observe what their country's minister of education is doing with respect to the country's commitments to human rights.

Use the special rapporteurs.

They are experts named by the Council who work on specific issues. The special rapporteur supervises the implementation of human rights education in a country, makes recommendations to the government, works with special groups etc.

It is important to know about the special procedures. They are there to protect human rights educators.

There are also treaty organisms. In your countries, when a government prepares a report on the human rights situation of your country (country being reviewed by the Council) you can contribute, you can add information etc. You can make recommendations, undertake follow-ups.

You can ask for pedagogical and training material from the Office of the High-Commissioner, including specialized materials for the police, teachers etc. You can also share information among yourselves. We have a library at the Office of the High-Commissioner which deals with education and training in human rights. We have many

kits for journalists. We can also help you obtain financial assistance through partnerships with our office.

Support for special events, patronage, and participation of UN staff. If you organize special events, the Office of the High-Commissioner can put you in contact with other organizations. The Office of the High-Commissioner constitutes a bridge between different countries and organizations.

As human rights activists, you have the possibility to be even more effective – use the Office of the High-Commissioner as an entry point into the UN.

Questions and answers

Responding to a comment on the need to reform the UN – especially the veto system within the Security Council - Elena states that it is certain that the UN needs to be reformed, but that the reform needs to be progressive. It is a continuous political process. Already the creation of the HR Council is a big step. The most important is that participants actively participate in the UN and its improvement. You need to know the system to be able to change it and you cannot criticize it if you do nothing to improve it.

Responding to a question on the situation in Cambodia, Elena insists that the special rapporteur plays a very important role. If his report on the country is negative, this can have important questions for the government. These reports have a lot of weight and can be used as lobbying tools. In Cambodia, beyond the rapporteur, there is collaboration with a well established office. This could be another way to make use of the United Nations.

Even when a country has not ratified a convention, the special rapporteur can evaluate the situation and submit a report to the Council. The special rapporteur can also undertake urgent appeals to defend human rights activists. You can also use the rapporteur to submit letters or petitions to your government.