



OFFICE OF THE
HIGH COMMISSIONER
FOR HUMAN RIGHTS

UNITED NATIONS
STAFF COLLEGE
PROJECT



HUMAN RIGHTS

A Basic Handbook for UN Staff



UNITED NATIONS

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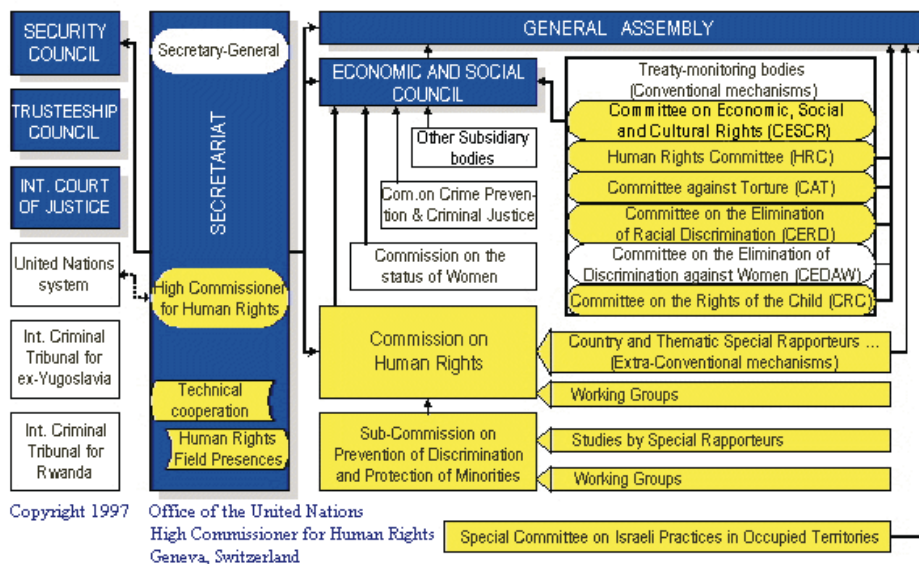
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LIST OF USEFUL ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
CAT	Convention Against Torture/Committee Against Torture
CBO	Community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women/Committee on the Elimination of all Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CIS	Commonwealth of Independent States
CPRMW	Convention on the Protection of the Rights of Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CSW	Commission on the Status of Women
DPA	Department of Political Affairs
DPKO	Department of Peace-Keeping Operations
ECOSOC	United Nations Economic and Social Council
FAO	Food and Agriculture Organization
HRC	Human Rights Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross

ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
NGO	Non-Governmental Organization
OAU	Organization for African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OSCE	Organization for Security and Cooperation in Europe
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
OHCHR	Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WFP	World Food Programme
WHO	World Health Organization

STRUCTURE OF THE UNITED NATIONS HUMAN RIGHTS BODIES AND MECHANISMS



(Source: OHCHR website at <http://www.unhcr.ch/brostr.htm>)

This diagram, which is not exhaustive, is intended to describe the functioning of the United Nations system in the field of human rights. Emphasis is given to those bodies and programmes with major human rights responsibilities.

FOREWORD

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom...

Preamble, Universal Declaration of Human Rights

Dear colleagues of the United Nations,

Respect for human rights and fundamental freedoms lies at the heart of all aims and objectives of the United Nations and is one of the central purposes of the United Nations Charter. As members of the United Nations Organization, we have a special responsibility to ensure the enjoyment of human rights for all people without distinction. Substantial progress has been made over the past 50 years in terms of establishing international laws and standards to protect human rights, but this is overshadowed by the disturbing reality that grave human rights violations continue to occur worldwide on a daily basis.

In the years ahead, therefore, emphasis must be placed on the *implementation* of human rights standards and on the *prevention* of human rights violations. We must transform principles into concrete action. In doing so, our goal must be to mainstream human rights throughout the United Nations system, as called for by the Secretary-General, Kofi Annan. I am heartened by the visible determination of United Nations agencies to integrate human rights into their work.

This handbook has been developed to assist United Nations colleagues understand and appreciate the human rights system within the context of the United Nations Organization. The following chapters provide an overview of human rights instruments and developments; the role of United Nations organs in protecting human rights; the international mechanisms which have evolved to monitor implementation of rights and process complaints; strategies engaged to promote and protect human rights within the United Nations; and the role of my Office and other United Nations partners.

I urge colleagues to familiarize themselves with the standards and mechanisms of human rights, to seek inspiration from and make more frequent use of human rights instruments. I urge colleagues to integrate human rights into their offices on a day-to-day basis and to be conscious of their role in helping others to assert and achieve their human rights. A human rights-based approach to development, peace and security is the surest guarantee of success. We must dedicate ourselves to achieving our goal – *all human rights for all* – in the twenty-first century.

MARY ROBINSON

United Nations

High Commissioner for Human Rights

INTRODUCTION

1. United Nations Programme for Reform

One of the principal purposes of the United Nations, as set out in the United Nations Charter, is to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. There has been a marked shift in recent years in the United Nations approach to human rights. The 1993 Vienna Declaration and Programme of Action called upon *all agencies* of the United Nations to commit themselves to the formulation, promotion and implementation of human rights. On 14 July 1997, the United Nations Secretary-General launched a *Programme for Reform* which recognized that human rights cut across all programmes and activities of the United Nations system. The core human rights objectives of the Programme for Reform are set out in the excerpt below.

Secretary-General's Programme for Reform

UNDoc. A/51/950 14 July 1997

(paragraphs 78 -79)

Human rights are integral to the promotion of peace and security, economic prosperity, and social equity. For its entire life as a world organization, the United Nations has been actively promoting and protecting human rights, devising instruments to monitor compliance with international agreements, while at the same time remaining cognizant of national and cultural diversities. Accordingly, the issue of human rights has been designated as cutting across each of the four substantive fields of the Secretariat's work programme (peace and security; economic and social affairs; development cooperation; and humanitarian affairs).

A major task for the United Nations, therefore, is to enhance its human rights programme and fully integrate it into the broad range of the Organization's activities.

The Programme for Reform affirmed the importance of human rights in cutting across the four key fields of United Nations work – peace and security; economic and social affairs; development cooperation; and humanitarian affairs. These four areas are each covered by an Executive Committee. The Office of the High Commissioner for Human Rights participates in the

activities of all four Committees, enabling the integration of human rights into all programmes of the Organization. All agencies and colleagues of the United Nations have been called upon to enhance and support this process in practical terms.

2. *The scope of this handbook*

This handbook has been developed to contribute to the integration process by providing a *basic* introduction to international human rights for United Nations staff. More particularly, it has been written to assist new UN colleagues, and those working outside the human rights secretariat, in understanding the concept of human rights, the obligations of the Organization to promote and protect human rights, and how the United Nations discharges this obligation. The selected topics covered in this handbook are examined at length in other publications listed in Part 4.

The handbook is divided into five parts, providing an overview of the following areas:

1. International human rights standards and their development
2. United Nations organs
3. Human rights mechanisms
4. United Nations strategies and action to promote human rights
5. OHCHR and partners

It should be noted that human rights instruments and institutions also exist at regional and national level. However, this handbook focuses on international human rights to guide United Nations staff through the broad human rights framework within which they work. It is hoped that this handbook will familiarize colleagues with human rights standards and mechanisms and thus enable them to take account of the overarching principles of human dignity that should be reflected in all their activities.

3. *What are human rights?*

Human rights are commonly understood as being those rights which are inherent to the human being. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Human rights are legally guaranteed by *human rights law*, protecting individuals and groups against actions which interfere with fundamental freedoms and human dignity. They are expressed in treaties, customary international law, bodies of principles and other sources of law. Human rights law places an obligation on States to act in a particular way and prohibits States from engaging in specified activities. However, the law does not establish human rights. Human rights are inherent entitlements which come to every person as a consequence of being human. Treaties and other sources of law generally serve to *protect* formally the rights of individuals and groups against actions or abandonment of actions by Governments which interfere with the enjoyment of their human rights.

The following are some of the most important characteristics of human rights:

- ❖ human rights are founded on ***respect for the dignity and worth of each person***;
- ❖ human rights are ***universal***, meaning that they are applied equally and without discrimination to all people;
- ❖ human rights are ***inalienable***, in that no one can have his or her human rights taken away other than in specific situations – for example, the right to liberty can be restricted if a person is found guilty of a crime by a court of law;
- ❖ human rights are ***indivisible, interrelated and interdependent***, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect the respect of several other rights. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

4. International Human Rights Law

The formal expression of inherent human rights is through *international human rights law*. A series of international human rights treaties and other instruments have emerged since 1945 conferring legal form on inherent human rights. The creation of the United Nations provided an ideal forum for the development and adoption of international human rights instruments. Other instruments have been adopted at a regional level reflecting the particular human rights concerns of the region. Most States have also adopted constitutions and other laws which formally protect basic human rights. Often the

language used by States is drawn directly from the international human rights instruments.

International human rights law consists mainly of treaties and customs as well as, *inter alia*, declarations, guidelines and principles.

Treaties

A treaty is an agreement by States to be bound by particular rules. International treaties have different designations such as *covenants, charters, protocols, conventions, accords* and *agreements*. A treaty is legally binding on those States which have consented to be bound by the provisions of the treaty – in other words are *party* to the treaty.

A State can become a *party* to a treaty by *ratification, accession* or *succession*. *Ratification* is a State's formal expression of consent to be bound by a treaty. Only a State that has previously signed the treaty (during the period when the treaty was open for signature) can ratify it. Ratification consists of two procedural acts: on the domestic level, it requires approval by the appropriate constitutional organ (usually the head of State or parliament). On the international level, pursuant to the relevant provision of the treaty in question, the instrument of ratification shall be formally transmitted to the depositary which may be a State or an international organization such as the United Nations.

Accession entails the consent to be bound by a State that has not previously signed the instrument. States ratify treaties both before and after the treaty has entered into force. The same applies to accession.

A State may also become party to a treaty by *succession*, which takes place by virtue of a specific treaty provision or by declaration.

Most treaties are not self-executing. In some States treaties are superior to domestic law, whereas in other States treaties are given Constitutional status, and in yet others only certain provisions of a treaty are incorporated into domestic law.

A State may, in ratifying a treaty, enter reservations to that treaty, indicating that, while it consents to be bound by most of the provisions, it does not agree to be bound by certain specific provisions. However, a reservation may not defeat the object and purpose of the treaty. Further, even if a State is not a party to a treaty or if it has entered reservations thereto, that State may still be bound by those treaty provisions which have become part of customary international law or constitute peremptory rules of international law, such as the prohibition against torture.

Custom

Customary international law (or simply “custom”) is the term used to describe a general and consistent practice followed by States deriving from a sense of legal obligation. Thus, for example, while the Universal Declaration of Human Rights is not in itself a binding treaty, some of its provisions have the character of customary international law.

Declarations, resolutions etc. adopted by UN organs

General norms of international law principles and practices that most States would agree are often stated in *declarations, proclamations, standard rules, guidelines, recommendations* and *principles*. While no binding legal effect on States ensures they nevertheless represent a broad consensus on the part of the international community and, therefore, have a strong and undeniable moral force on the practice of States in their conduct of international relations. The value of such instruments rests on their recognition and acceptance by a large number of States, and, even without binding legal effect, they may be seen as declaratory of broadly accepted principles within the international community.

5. *State responsibility for human rights*

The obligation to protect, promote and ensure the enjoyment of human rights is the prime responsibility of States, thereby conferring on States responsibility for the human rights of *individuals*. Many human rights are owed by States to *all* people within their territories, while certain human rights are owed by a State to particular groups of people: for example, the right to vote in elections is only owed to citizens of a State. State responsibilities include the obligation to take pro-active measures to ensure that human rights are protected by providing effective remedies for persons whose rights are violated, as well as measures against violating the rights of persons within its territory.

Under international law, the enjoyment of certain rights can be restricted in specific circumstances. For example, if an individual is found guilty of a crime after a fair trial, the State may lawfully restrict a person’s freedom of movement by imprisonment. Restrictions on civil and political rights may only be imposed if the limitation is determined by law but only for the purposes of securing due recognition of the rights of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Economic, social and cultural rights may be limited by law, but only insofar as the limitation is compatible with the nature of the rights and solely to promote the general welfare in a democratic society.

In a legitimate and declared state of emergency, States can take measures which limit or suspend (or “*derogate*” from) the enjoyment of certain rights. Such derogations are permitted only to the extent necessary for the situation and may never involve discrimination based on race, colour, sex, language, religion or social origin. Any derogation must be reported to the Secretary-General of the United Nations. However, in accordance with article 4, paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR), certain human rights – non-derogable rights – may never be suspended or restricted even in situations of war and armed conflict. These include the right to life, freedom from torture, freedom from enslavement or servitude and freedom of thought, conscience and religion. In addition, in times of armed conflict where humanitarian law applies, human rights law continues to afford protection.

6. *What is humanitarian law?*

International humanitarian law (sometimes referred to as “the law of armed conflict” and “the law of war”) is a body of principles and norms intended to limit human suffering in times of armed conflict and to prevent atrocities. It can be defined as that part of international law – comprising international treaty and customary law – which seeks to protect persons who are not, or are no longer, taking part in the hostilities (i.e. sick, wounded or shipwrecked combatants, prisoners of war and civilians), and to restrict the method and means of warfare between parties to a conflict.

The 1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field laid the foundations for contemporary humanitarian law. The 1874 Diplomatic Conference and the Hague Peace Conferences of 1899 and 1907 constitute important milestones. Modern international humanitarian law is mainly embodied in the four Geneva Conventions of 1949 (188 States Parties) and the two 1977 Protocols Additional to those Conventions (152 and 144 States Parties respectively), namely:

- ❖ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field;
- ❖ Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked members of the Armed Forces at Sea;
- ❖ Geneva Convention relative to the Treatment of Prisoners of War;
- ❖ Geneva Convention relative to the Protection of Civilian Persons in Time of War;

- ❖ Additional Protocol I relative to the Protection of victims of international armed conflicts;
- ❖ Additional Protocol II relative to the Protection of victims of non-international armed conflicts.

Significantly, common to all Geneva Conventions is article 3 which establishes minimum rules to be observed by each party to an *internal* armed conflict. This article provides that persons taking no active part in the hostilities “shall in all circumstances be treated humanely, without adverse distinction” and “the wounded and sick shall be collected and cared for”.

Other humanitarian law instruments deal with topics as diverse as the protection of cultural property in the event of armed conflict, the prohibition of biological and chemical weapons and of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects. Recent examples of humanitarian law are the 1995 Protocol on Blinding Laser Weapons and the 1997 Convention on the Prohibition of Anti-Personnel Mines, Ottawa Treaty, which entered into force on 1 March 1999.

Link between humanitarian and human rights law

Humanitarian law and human rights law were traditionally regarded as separate areas of international law – human rights law setting standards for State conduct in guaranteeing the rights and freedoms of individuals and humanitarian law providing standards for the protection of war victims and the manner in which hostilities are conducted. In other words, it was thought that human rights law was less applicable in situations of humanitarian emergency and armed conflict. Those holding this view pointed to the provisions in the ICCPR which permit States to derogate temporarily from some civil and political rights in times of public emergency which threaten the life of the nation. However, the provisions of most international human rights instruments apply even in times of armed conflict.

The need to safeguard human rights during armed conflict has been given priority – as human rights are recognized as integral to peace and security. In 1966, the then Secretary-General investigated the extent to which international human rights instruments protected human rights in times of armed conflict. It was found that the major international instruments, for example the International Bill of Human Rights, provided for a broader spectrum of human rights protection than the Geneva Conventions. This acknowledgement guided the adoption by the Teheran World Conference on Human Rights in 1968 and the General Assembly in 1970 of a number of resolutions recognizing that fundamental human rights in international instruments con-

tinue to apply in situations of armed conflict. Similarly, the Vienna Declaration and Programme of Action called on all States and all parties to armed conflicts to pay strict observance to international humanitarian law as well as to the minimum standards required for protecting human rights. In 1996, the Commission on Human Rights recognized the need to identify the fundamental principles applicable to situations of internal violence.

It is now acknowledged that human rights law and humanitarian law should be viewed in an integrated and holistic manner, where the individual has protection under human rights law at all times, as well as that provided under humanitarian law during periods of armed conflict.

7. *International human rights instruments*

The full body of international human rights instruments consists of more than 100 treaties, declarations, guidelines, recommendations and principles which together set out international human rights standards. The main treaties and landmark human rights conferences are mentioned in *Part 1*. However, many other international human rights instruments adopted by, or under the aegis of the United Nations, define specific rights, set out the rights of particular groups and regulate conduct to protect human rights. A full list of international instruments is at *Annex I*.

PART 1:

INTERNATIONAL HUMAN RIGHTS STANDARDS AND THEIR DEVELOPMENT

“As we enter the new century, we do so with the knowledge that enjoyment of all human rights, including the right to development, is the cornerstone of peace and security, and the key to preventing future conflict and building a common future”.

Mary Robinson, High Commissioner for Human Rights,
Opening Statement to the 55th Session of the
Commission on Human Rights, 1999

Introduction

Article 1(3) of the UN Charter provides for the pursuit of international cooperation by resolving international problems of an economic, social, cultural or humanitarian character, promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. To this end, the United Nations has embarked on the continuous process of articulating human rights in order to translate them from morality and principles into binding international law. These standards are the result of a gradual evolution over several decades with the participation of United Nations bodies, many nations, non-governmental organizations and individuals.

The adoption of the Universal Declaration of Human Rights (Universal Declaration), in 1948, was the first step towards the progressive codification of international human rights. In the 50 years that have elapsed since then, the extraordinary visions enshrined in the principles of the Declaration have proved timeless and enduring. The principles have inspired more than 100 human rights instruments which, taken together, constitute international human rights standards. Outlined below are some significant international human rights instruments and developments.

1.1 The International Bill Of Human Rights

At its first meeting in 1946, the General Assembly transmitted a draft *Declaration of Fundamental Human Rights and Freedoms* to the Commission on Human Rights, through the Economic and Social Council, relative to the preparation of an international bill of human rights. In 1947, the Commission authorized its officers to formulate a draft bill of human rights which was later taken over

by a formal Drafting Committee consisting of 8 members of the Commission. The Drafting Committee decided to prepare two documents: one in the form of a *declaration* which would set forth general principles or standards of human rights; and the other in the form of a *convention* which would define specific rights and their limitations. Accordingly, the Committee transmitted to the Commission draft articles of an international declaration and an international convention on human rights. The Commission decided to apply the term “International Bill of Human Rights” to the entire series of documents in late 1947. In 1948, the draft declaration was revised and submitted through the Economic and Social Council to the General Assembly. On 10 December 1948, the Universal Declaration of Human Rights was adopted – a day celebrated each year as “Human Rights Day”.

The Commission on Human Rights then continued working on a draft covenant on human rights. By 1950, the General Assembly passed a resolution declaring that the “enjoyment of civil and political freedoms and of economic, social and cultural rights are interconnected and interdependent”. After lengthy debate, the General Assembly requested that the Commission draft two covenants on human rights; one to set forth civil and political rights and the other embodying economic, social and cultural rights. Before finalizing the draft covenants, the General Assembly decided to give the drafts the widest possible publicity in order that Governments might study them thoroughly and public opinion might express itself freely. In 1966, two International Covenants on Human Rights were completed (instead of the one originally envisaged): the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), which effectively translated the principles of the Universal Declaration into *treaty* law. In conjunction with the Universal Declaration of Human Rights, the two Covenants are referred to as the “International Bill of Human Rights”.

a. The Universal Declaration of Human Rights

The Universal Declaration of Human Rights consists of a Preamble and 30 articles, setting out the human rights and fundamental freedoms to which all men and women are entitled, without distinction of any kind.

The Universal Declaration recognizes that the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world. It recognizes fundamental rights which are the inherent rights of every human being including, inter alia, the right to life, liberty and security of person; the right to an adequate standard of living; the right to seek and enjoy asylum from persecution in other countries; the right to freedom of opinion

and expression; the right to education, freedom of thought, conscience and religion; and the right to freedom from torture and degrading treatment. These inherent rights are to be enjoyed by every man, woman and child throughout the world, as well as by all groups in society.

Today, the Universal Declaration of Human Rights is widely regarded as forming part of customary international law.

1998 – the Fiftieth Anniversary of the Universal Declaration of Human Rights

1998 highlighted the global commitment to these fundamental and inalienable human rights as the world commemorated the fiftieth anniversary of the Universal Declaration of Human Rights. The Universal Declaration was one of the first major achievements of the United Nations and after 50 years remains a powerful instrument affecting people's lives throughout the world. Since 1948, the Universal Declaration has been translated into more than 250 languages (available at OHCHR website at <http://www.unhchr.ch/udhr/index.htm>) and remains one of the best known and most cited human rights documents in the world. The commemoration of the fiftieth anniversary provided the opportunity to reflect on the achievements of the past fifty years and chart a course for the next century.

Under the theme *All Human Rights for All*, the fiftieth anniversary highlighted the universality, indivisibility and interrelationship of all human rights. It reinforced the idea that human rights – civil, cultural, economic, political and social – should be taken in their totality and not dissociated.

b. The International Covenant on Economic, Social and Cultural Rights

After 20 years of drafting debates, the ICESCR was adopted by the General Assembly in 1966 and entered into force in January 1976. In many respects, greater international attention has been given to the promotion and protection of *civil and political* rights rather than to *social, economic and cultural* rights, leading to the erroneous presumption that violations of economic, social and cultural rights were not subject to the same degree of legal scrutiny and measures of redress. This view neglected the underlying principles of human rights – that rights are indivisible and interdependent and therefore the violation of one right may well lead to the violation of another.

Economic, social and cultural rights are fully recognized by the international community and in international law and are progressively gaining attention. These rights are designed to ensure the protection of people, based on the

expectation that people can enjoy rights, freedoms and social justice simultaneously.

The Covenant embodies some of the most significant international legal provisions establishing economic, social and cultural rights, including, inter alia, rights relating to work in just and favourable conditions; to social protection; to an adequate standard of living including clothing, food and housing; to the highest attainable standards of physical and mental health; to education and to the enjoyment of the benefits of cultural freedom and scientific progress.

Significantly, article 2 outlines the legal obligations which are incumbent upon States parties under the Covenant. States are required to take positive steps to implement these rights, to the maximum of their resources, in order to achieve the progressive realization of the rights recognized in the Covenant, particularly through the adoption of domestic legislation.

Monitoring the implementation of the Covenant by States parties was the responsibility of the Economic and Social Council, which delegated this responsibility to a committee of independent experts established for this purpose, namely the Committee on Economic, Social and Cultural Rights.

As at March 2000, 142 States were parties to the Covenant.

c. The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights addresses the State's traditional responsibilities for administering justice and maintaining the rule of law. Many of the provisions in the Covenant address the relationship between the individual and the State. In discharging these responsibilities, States must ensure that human rights are respected, not only those of the victim but also those of the accused.

The civil and political rights defined in the Covenant include, inter alia, the right to self-determination; the right to life, liberty and security; freedom of movement, including freedom to choose a place of residence and the right to leave the country; freedom of thought, conscience, religion, peaceful assembly and association; freedom from torture and other cruel and degrading treatment or punishment; freedom from slavery, forced labour, and arbitrary arrest or detention; the right to a fair and prompt trial; and the right to privacy.

There are also other provisions which protect members of ethnic, religious or linguistic minorities. Under Article 2, all States Parties undertake to respect and take the necessary steps to ensure the rights recognized in the Covenant

without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Covenant has two Optional Protocols. The first establishes the procedure for dealing with communications (or complaints) from individuals claiming to be victims of violations of any of the rights set out in the Covenant. The second envisages the abolition of the death penalty.

Unlike the Universal Declaration and the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights authorizes a State to derogate from, or in other words restrict, the enjoyment of certain rights in times of an *official* public emergency which threatens the life of a nation. Such limitations are permitted only to the extent strictly required under the circumstances and must be reported to the United Nations. Even so, some provisions such as the right to life and freedom from torture and slavery may never be suspended.

The Covenant provides for the establishment of a Human Rights Committee to monitor implementation of the Covenant's provisions by States parties. As at March 2000, 144 States were parties to the Covenant, 95 States were parties to the Optional Protocol and 39 States were parties to the Second Optional Protocol.

1.2 International Convention on the Elimination of all Forms of Racial Discrimination

The phenomenon of racial discrimination was one of the concerns behind the establishment of the United Nations and has therefore been one of its major areas of attention. The International Convention on the Elimination of All Forms of Racial Discrimination was adopted by the General Assembly in 1965 and entered into force in 1969.

Article 1 of the Convention defines the terms “racial discrimination” as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin with the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights in any field of public life, including political, economic, social or cultural life”.

It is notable that this definition encompasses a much wider range of grounds on which discrimination can take place than that commonly referred to as “race”. It is also significant that the definition includes the language “purpose

or effect'. As a consequence, the definition covers not only intentional discrimination, but also laws, norms and practices which appear neutral, but result in discrimination in their impact.

Parties to the Convention agree to eliminate discrimination in the enjoyment of civil, political, economic, social and cultural rights and to provide effective remedies against any acts of racial discrimination through national tribunals and State institutions. States parties undertake not to engage in acts or practices of racial discrimination against individuals, groups of persons or institutions and to ensure that public authorities and institutions do likewise; not to sponsor, defend or support racial discrimination by persons or organizations; to review government, national and local policies and to amend or repeal laws and regulations which create or perpetuate racial discrimination; to prohibit and put a stop to racial discrimination by persons, groups and organizations; and to encourage integration or multiracial organizations, movements and other means of eliminating barriers between races, as well as to discourage anything which tends to strengthen racial divisiveness.

The Committee on the Elimination of Racial Discrimination was established by the Convention to ensure that States parties fulfil their obligations. As at March 2000, 155 States were parties to the Convention.

1.3 Convention on the Elimination of all Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 and entered into force in 1981. Despite the existence of international instruments which affirm the rights of women within the framework of all human rights, a separate treaty was considered necessary to combat the continuing evident discrimination against women in all parts of the world. In addition to addressing the major issues, the Convention also identifies a number of specific areas where discrimination against women has been flagrant, specifically with regard to participation in public life, marriage, family life and sexual exploitation.

The objective of the Convention is to advance the status of women by utilizing a dual approach. It requires States parties to grant freedoms and rights to women on the same basis as men, no longer imposing on women the traditional restrictive roles. It calls upon States parties to remove social and cultural patterns, primarily through education, which perpetuate gender-role stereotypes in homes, schools and places of work. It is based on the premise that States must take active steps to promote the advancement of women as a

means of ensuring the full enjoyment of human rights. It encourages States parties to make use of positive measures, including preferential treatment, to advance the status of women and their ability to participate in decision-making in all spheres of national life – economic, social, cultural, civil and political.

States parties to the Convention agree, inter alia, to integrate the principle of the equality of men and women into national legislation; to adopt legislative and other measures, including sanctions where appropriate, prohibiting discrimination against women; to ensure through national tribunals and other public institutions the effective protection of women against discrimination; and to refrain from engaging in any discriminatory act or practice against women in the private sphere.

Article 17 of the Convention establishes the Committee on the Elimination of Discrimination against Women to oversee the implementation of its provisions. When the 1999 Optional Protocol enters into force, the Committee's functions will be expanded (see part 3). As at March 2000, 165 States were parties to the Convention.

1.4 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Over the years, the United Nations has developed universally applicable standards against torture which were ultimately embodied in international declarations and conventions. The adoption, on 10 December 1984 by the General Assembly, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was the culmination of the codification process to combat the practice of torture. The Convention entered into force on 26 June 1987. Article 1 defines “torture” as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

The overall objectives of the Convention are to prevent acts of torture and other acts prohibited under the Convention and to ensure that effective remedies are available to victims when such acts occur. More specifically, the Convention requires States parties to take preventive action against torture such as the criminalization of acts of torture and the establishment of laws and regulations to promote respect for human rights among its public servants for both the alleged victim and the accused.

Despite these measures, there may be incidents where individuals are, or claim to have been, tortured. Governments that are committed to eliminating torture must also be committed to providing an effective remedy to alleged victims. This can be seen from the manner in which Governments address complaints of torture. The Convention requires that complaints of torture be promptly and impartially investigated wherever there are reasonable grounds to believe that an act of torture may have been committed. In many cases, the most important evidence is physical marks on the body, which can fade or disappear, often within days. The existence of a functional system for the administration of justice is thus critically important for victims of torture.

The implementation of the Convention established a monitoring body, the Committee against Torture. As at March 2000, 118 States were parties to the Convention.

1.5 Convention on the Rights of the Child

Both the League of Nations and the United Nations had previously adopted declarations on the rights of the child and specific provisions concerning children were incorporated into a number of human rights and humanitarian treaties. In recent years, reports of the grave afflictions suffered by children such as infant mortality, deficient health care and limited opportunities for basic education, as well as alarming accounts of child exploitation, prostitution, child labour and victims of armed conflict, led many worldwide to call on the United Nations to codify children's rights in a comprehensive and binding treaty. The Convention entered into force on 2 September 1990, within a year of its unanimous adoption by the General Assembly.

The Convention embodies four general principles for guiding implementation of the rights of the child: non-discrimination ensuring equality of opportunity; when the authorities of a State take decisions which affect children they must give prime consideration to the best interests of the child; the right to life, survival and development which includes physical, mental, emotional, cognitive, social and cultural development; and children should be free to

express their opinions, and such views should be given due weight taking the age and maturity of the child into consideration.

Among other provisions of the Convention, States parties agree that children's rights include: free and compulsory primary education; protection from economic exploitation, sexual abuse and protection from physical and mental harm and neglect; the right of the disabled child to special treatment and education; protection of children affected by armed conflict; child prostitution; and child pornography.

Under article 43 of the Convention, the Committee on the Rights of the Child was established to monitor the implementation of the Convention by States parties. As at March 2000, an unprecedented 191 States were parties to the Convention: the largest number of ratifications of all international instruments.

1.6 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Throughout history, people have moved across borders for a variety of reasons, including armed conflict, persecution or poverty. Regardless of their motivation, millions of people are living as migrant workers, as strangers in the States in which they reside. Unfortunately, as aliens, they may be targets of suspicion or hostility and this inability to integrate into society often places them among the most disadvantaged groups in the host State. A vast number of migrant workers are uninformed and ill-prepared to cope with life and work in a foreign country.

Concern for the rights and welfare of migrant workers led to the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the General Assembly on 18 December 1990 and will enter into force following ratification or accession by 20 States. As at March 2000, only 12 States had ratified the Convention.

The Convention stipulates that persons who are considered as migrant workers under its provisions are entitled to enjoy their human rights throughout the migration process, including preparation for migration, transit, stay and return to their State of origin or habitual residence. With regard to working conditions, migrant workers are entitled to conditions equivalent to those extended to nationals of the host States, including the right to join trade unions, the right to social security and the right to emergency health care. State parties are obliged to establish policies on migration, exchange informa-

tion with employers and provide assistance to migrant workers and their families. Similarly, the Convention stipulates that migrant workers and their families are obliged to comply with the law of the host State. The Convention distinguishes between legal and illegal migrant workers. It does not require that equal treatment be extended to illegal workers but rather aims to eliminate illegal or clandestine movements and employment of migrant workers in an irregular situation.

1.7 The Declaration on the Right to Development

In 1986, the Declaration on the Right to Development was adopted by the General Assembly, recognizing that development is a comprehensive economic, social, cultural and political process which aims at continuously improving the well-being of the entire population and of each individual.

The Declaration on the Right to Development states that the right to development is an inalienable human right, which means that everyone has the right to participate in, contribute to, and enjoy economic, social, cultural and political development. This right includes permanent sovereignty over natural resources; self-determination; popular participation; equality of opportunity; and the advancement of adequate conditions for the enjoyment of other civil, cultural, economic, political and social rights.

For the purposes of development, there are three human rights standards that are particularly relevant to the full enjoyment of the right to development: the right to self-determination, sovereignty over natural resources and popular participation.

Self-determination

The right to self-determination is a fundamental principle of international law. It is found not only in the Charter of the United Nations but in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Its importance to the respect for all human rights is reinforced by the Human Rights Committee's reference to it in General Comment 12 as being "of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights." It is generally recognized that the right to self-determination has two aspects, the internal and the external. The external aspect is defined in General Comment 21 of the Human Rights Committee which states that it:

“implies that all peoples have the right to determine freely their political status and their place in the international community based on the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation.”

The external consideration of self-determination is fundamental as it relates to development. It is necessary for a State to be free from the above-mentioned conditions to be able to determine its own policies fully in all realms of governance, and more particularly in the area of development policy.

The internal aspect of the right to self-determination is best illustrated by the Human Rights Committee which defines it as:

“the rights of all peoples to pursue freely their economic, social and cultural development without outside interference.” [General Comment 21]

The Committee goes on to link this internal aspect with a Government’s duty to “represent the whole population without distinction as to race, colour, descent or national or ethnic origin.”

Sovereignty over natural resources

Article 1 of the Declaration on the Right to Development makes it clear that the full realization of the right to self-determination, which has been shown to be an integral part of development, includes the exercise of the “inalienable right to full sovereignty over all their natural wealth and resources.” The ability of peoples to enjoy and utilize their resources and the impact of this ability on the well-being of the people of the State is given fuller expression in General Assembly Resolution 1803(XVII) which declares that “The right of peoples and nations to permanent sovereignty over their wealth and natural resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.”

Popular participation

The principle of popular participation has been vital to the evolution of human rights standards. It is a basic element of social progress and seeks to ensure the dignity, value and freedom of the human person. Reference to popular participation is found in both International Covenants and has a prominent role in the Declaration on the Right to Development. Its significance is underscored by the General Assembly when, in A/37/55 (1982), it stresses “the importance of the adoption of measures to ensure the effective participation, as appropriate, of all the elements of society in the preparation

and implementation of national economic and social development policies and of the mobilization of public opinion and the dissemination of relevant information in the support of the principles and objectives of social progress and development.”

Beneficiaries

As with all human rights, the human person is the subject and the beneficiary of the right. The right to development is claimable both individually and collectively. Significantly, this right is binding both on individual States (in ensuring equal and adequate access to essential resources) and the international community (in its duty to promote fair development policies and effective international cooperation).

International attention focused more closely on the right to development during consultations in Geneva, in early 1990, which reaffirmed that the right of individuals, groups and peoples to take decisions collectively, to choose their own representative organizations and to have freedom of democratic action free from interference was fundamental to democratic participation. The concept of participation was of central importance in the realization of the right to development. The consultation also considered that development strategies oriented only towards economic growth and financial considerations had failed, to a large extent, to achieve social justice and that there was no single model for development applicable to all cultures and peoples. Development is a subjective matter, and development strategies should be determined by the peoples concerned themselves and should be adapted to their particular conditions and needs.

Taking the lead in the implementation of the Declaration on the Right to Development, the United Nations set up mechanisms for ensuring the compatibility of all United Nations activities and programmes with the Declaration. The relationship between development and human rights was affirmed at the World Conference on Human Rights in the 1993 Vienna Declaration and Programme of Action which gave new impetus to the Declaration on the Right to Development. The Vienna Declaration confirmed that democracy, development, respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. It was acknowledged that the full enjoyment of human right requires durable economic and social progress, and vice versa: in other words, there cannot be full attainment of human rights without development, nor can there be development without respect for human rights.

1.8 Landmark Human Rights Conferences

Declarations and proclamations adopted during world conferences on human rights are also a significant contribution to international human rights standards. Instruments adopted by such conferences are drafted with the participation of international agencies and non-governmental organizations, reflecting common agreement within the international community and are adopted by State consensus.

The Teheran and Vienna World Conferences on human rights were particularly significant for strengthening human rights standards. Both involved an unprecedented number of participants from States, agencies and non-governmental organizations who contributed to the adoption of the Proclamation of Teheran and the Vienna Declaration and Programme of Action respectively.

a. Teheran World Conference on Human Rights – 1968

The International Conference on Human Rights held in Teheran from April 22 to May 13 1968 was the first world meeting on human rights to review the progress made in the twenty years that had elapsed since the adoption of the UDHR. Significantly, the Conference reaffirmed world commitment to the rights and fundamental freedoms enshrined in the UDHR and urged members of the international community to “fulfil their solemn obligations to promote and encourage respect” for those rights.

The Conference adopted the Proclamation of Teheran which, inter alia, encouraged respect for human rights and fundamental freedoms for all without distinctions of any kind; reaffirmed that the UDHR is a common standard of achievement for all people and that it constitutes an obligation for the members of the international community; invited States to conform to new standards and obligations set up in international instruments; condemned *apartheid* and racial discrimination; invited States to take measures to implement the Declaration on the Granting of Independence to Colonial Countries; invited the international community to co-operate in eradicating massive denials of human rights; invited States to make an effort to bridge the gap between the economically developed and developing countries; recognized the indivisibility of civil, political, economic, social and cultural rights; invited States to increase efforts to eradicate illiteracy, to eliminate discrimination against women, and to protect and guarantee children’s rights.

By reaffirming the principles set out in the International Bill of Human Rights, the Proclamation of Teheran paved the way for the creation of a number of international human rights instruments.

b. Vienna World Conference on Human Rights – 1993

On 14 June 1993, representatives of the international community gathered in unprecedented numbers for two weeks in Vienna to discuss human rights. The World Conference reviewed the development of human rights standards, the structure of human rights frameworks and examined ways to further advance respect for human rights. Members from 171 States, with the participation of some 7,000 delegates including academics, treaty bodies, national institutions and representatives of more than 800 non-governmental organizations, adopted by consensus the Vienna Declaration and Programme of Action. In light of the high degree of support for and consensus from the Conference, the Vienna Declaration and Programme of Action can be perceived as a forceful common plan for strengthening human rights work throughout the world.

The contents of the Declaration

The Vienna Declaration and Programme of Action marked the culmination of a long process of review of and debate on the status of the human rights machinery worldwide. It also marked the beginning of a renewed effort to strengthen and further implement the body of human rights instruments that had been painstakingly constructed on the foundation of the Universal Declaration of Human Rights since 1948. Significantly, the Vienna Declaration and Programme of Action:

- ❖ reaffirmed the human rights principles that had evolved over the past 45 years and called for the further strengthening of the foundation for ensuring continued progress in the area of human rights;
- ❖ reaffirmed the universality of human rights and the international commitment to the implementation of human rights;
- ❖ proclaimed that democracy, development and respect for human rights and fundamental freedoms as interdependent and mutually reinforcing.

The Conference agenda also included examination of the link between development, democracy and economic, social, cultural, civil and political rights, and an evaluation of the effectiveness of United Nations methods and mechanisms for protecting human rights as a means of recommending actions likely to ensure adequate financial and other resources for United Nations human rights activities.

The final document agreed to in Vienna was endorsed by the forty-eighth session of the General Assembly (resolution 48/121, of 1993).

1998: Five-Year Review of the Vienna Declaration and Programme of Action

The 1993 World Conference on Human Rights requested through its final document, the Vienna Declaration and Programme of Action (VDPA), that the Secretary-General of the United Nations “...invite on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights all States, all organs and agencies of the United Nations system related to human rights, to report to him on the progress made in the implementation of the present Declaration and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council” (VDPA, Part II, paragraph 100). Regional bodies, national human rights institutions, as well as non-governmental organizations, were also invited to present their views to the Secretary-General on the progress made in the implementation of the VDPA five years later.

In 1998, the General Assembly concluded the review process which had begun in the Commission on Human Rights and the Economic and Social Council earlier in the year. A number of positive developments in the five years since the World Conference were noted, such as progress achieved in human rights on national and international agendas; human rights-oriented changes in national legislation; enhancement of national human rights capacities, including the establishment or strengthening of national human rights institutions and special protection extended to women, children, and vulnerable groups among others and further strengthening of the human rights movement worldwide.

The General Assembly reiterated its commitment to the fulfilment of the VDPA and reaffirmed its value as a guide for national and international human rights efforts and its central role as an international policy document in the field of human rights.

PART 2:

UNITED NATIONS ORGANS

Introduction

This part outlines the relationship between the Office of the High Commissioner for Human Rights and those other organs having responsibility for human rights. Whilst many United Nations staff members may be familiar with certain structures and mandates of these organs, it is worth reviewing the broader canvas of the United Nations system.

2.1. What is a charter-based organ?

The United Nations Charter provided for the creation of six principal organs mandated to carry out the overall work of the United Nations. Inasmuch as they were created by the Charter, these bodies are commonly referred to as *Charter-based organs*. The six principal organs are outlined below, as well as other major bodies resulting from these organs.

List of Charter-Based Bodies

ORGANS UNDER THE UN CHARTER:

for the formulation, drafting, and adoption of instruments; supervision

- The General Assembly
- The Economic and Social Council
 - (1) Commission on Human Rights
 - (1a) Sub-Commission on the Promotion and Protection of Human Rights (formerly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities)
 - (2) Commission on the Status of Women
- The Security Council
 - (1) International Tribunal for the Former Yugoslavia
 - (2) International Tribunal for Rwanda
 - (3) International Criminal Court
- The International Court of Justice
- The Secretariat (Secretary-General)
- The Trusteeship Council (suspended 1.11.95)

Each organ was mandated by the Charter to perform varying human rights functions. Naturally, these roles have evolved over time.

2.2. *The General Assembly (UNGA)*

The United Nations General Assembly is the main deliberative, supervisory and reviewing organ of the United Nations. It is composed of representatives of all Member States, each one having one vote. Most decisions are reached by simple majority. Decisions on important questions such as peace, admission of new members and budgetary matters, require a two-thirds majority.

a. *Powers and functions*

The United Nations Charter sets out the powers and functions of the General Assembly. The main functions of the General Assembly in relation to human rights include the following: initiating studies and making recommendations for promoting international political cooperation; the development and codification of international law; the realization of human rights and fundamental freedoms for all; and international collaboration in the economic, social, cultural, education and health fields. This work is carried out by a number of committees established by the General Assembly, international conferences called for by the General Assembly and by the Secretariat of the United Nations (*see below*). Most items relating to human rights are referred to the “Third Committee” (the Social, Humanitarian and Cultural Committee) of the General Assembly.

The General Assembly’s competence to explore issues concerning human rights is almost unlimited, in that, under Article 10, it is allowed to “discuss any questions or any matters within the scope of the present Charter” and to make “recommendations” to Member States on these subjects.

Decisions of the UNGA are referred to as *resolutions* which reflect the will of the majority of Member States. General Assembly resolutions largely determine the work of the United Nations.

b. *Sessions*

The General Assembly meets in regular session in New York each year on the third Tuesday of September and continues until mid December. It may also meet in special or emergency sessions at the request of the Security Council or at the request of the majority of the members of the United Nations.

2.3 The Economic and Social Council (ECOSOC)

The Economic and Social Council was established by the United Nations Charter as the principal organ to coordinate the economic and social work of the United Nations and the specialized agencies. The Council has 54 members elected for three-year terms by the General Assembly. Voting is by simple majority, each member having one vote.

a. Powers and functions

Some of the main powers and functions of the Economic and Social Council are as follows:

- ❖ to serve as the central forum for the discussion of international economic and social issues of a global or an inter-disciplinary nature and the formulation of policy recommendations addressed to Member States and to the United Nations system as a whole;
- ❖ to promote respect for, and observance of, human rights and fundamental freedoms for all;
- ❖ to make or initiate studies and reports and make recommendations on international economic, social, cultural, educational, health and related matters;
- ❖ to call international conferences and prepare draft conventions for submission to the General Assembly on matters falling within its competence;
- ❖ to make recommendations and to co-ordinate activities of specialized agencies;
- ❖ co-ordinate, rationalize and, to some extent, programme the activities of the United Nations, its autonomous organs and the specialized agencies in all of these sectors through consultations with and recommendations to the General Assembly and members of the United Nations.

b. Consultation with Non-Governmental Organizations

A further function of the Economic and Social Council is to consult with non-governmental organizations concerned with matters falling within the Council's competence. The Council recognizes that these organizations should have the opportunity to express their views and that they often possess special experience or technical knowledge of value to the Council and its work. Those NGOs having consultative status may send observers to public meetings and submit written statements relevant to the Council's work.

Over 1,500 non-governmental organizations have consultative status with the Council. They are classified in the following three categories:

- ❖ *General consultative status* – for large, international NGOs whose area of work covers most of the issues on the Council’s agenda.
- ❖ *Special consultative status* – for NGOs that have special competence in a few fields of the Council’s activity.
- ❖ *Inclusion on the Roster* – for NGOs whose competence enables them to make occasional and useful contributions to the work of the United Nations and who are available for consultation upon request. NGOs on the Roster may also include organizations having consultative status with a specialized agency or other United Nations body.

c. Sessions

The Economic and Social Council generally holds one five to six-week substantive session each year, alternating between New York and Geneva, and one organizational session in New York. The substantive session includes a high-level special meeting, attended by Ministers and other high officials, to discuss major economic and social issues. The year-round work of the Council is carried out in its subsidiary bodies – commissions and committees – which meet at regular intervals and report back to the Council.

d. Commissions of the Economic and Social Council

Between 1946 and 1948, the Council took a number of key institutional decisions concerning human rights. In 1946, pursuant to Article 68 of the Charter, it established the Commission on Human Rights and the Commission on the Status of Women.

1. Commission on Human Rights (CHR)

When the Commission met for the first time, its prime function was to oversee the drafting of the Universal Declaration of Human Rights. That task was accomplished and the Declaration was adopted by the General Assembly on 10 December 1948. Today, the Commission on Human Rights serves as the main subsidiary organ of the United Nations dealing with human rights matters.

The Commission comprises 53 representatives of Member States of the United Nations.

◆ Powers and functions:

The Commission submits proposals, recommendations and reports to the Economic and Social Council regarding: international declarations or conventions; the protection of minorities; the prevention of discrimination on grounds of race, sex, language or religion; and any other matter concerning human rights.

The Commission considers questions relating to the violation of human rights and fundamental freedoms in various countries and territories as well as other human rights situations. If a particular situation is deemed sufficiently serious, the Commission may decide to authorize an investigation by an independent expert or it may appoint experts to assess, in consultation with the Government concerned, the assistance needed to help restore enjoyment of human rights.

The Commission also assists the Council in the co-ordination of activities concerning human rights in the United Nations system. The Commission has increasingly turned its attention in the 1990s to the needs of States to be provided with advisory services and technical assistance to overcome obstacles to the enjoyment of human rights. At the same time, more emphasis has been placed on the promotion of economic, social and cultural rights, including the right to development and the right to an adequate standard of living. Increased attention is also being given to the protection of the rights of vulnerable groups in society, including minorities and indigenous people. Protection of the rights of the child and the rights of women, including the eradication of violence against women and the attainment of equal rights for women, falls into this category.

The Commission is authorized to convene *ad hoc* working groups of experts and the Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-Commission on Prevention of Discrimination and Protection of Minorities).

◆ Sessions

The Commission on Human Rights meets once a year in Geneva, for six weeks in the March/April period. It can also meet exceptionally between its regular sessions, if a majority of States members agree. To date, there have been four extra-ordinary sessions.

1a. The Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-Commission on Prevention of Discrimination and Protection of Minorities)

The Sub-Commission is the main subsidiary body of the Commission on Human Rights. It was established by the Commission at its first session in 1947 under the authority of the Economic and Social Council.

The Sub-Commission is composed of experts acting in their personal capacity, elected by the Commission with due regard for equitable geographical representation. Half of the members and their alternates are elected every two years and each serves for a term of four years. In addition to the members and alternates, observers attend sessions of the Sub-Commission from States, United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations having consultative status with the Economic and Social Council.

◆ **Powers and functions**

The main functions of the Sub-Commission are:

- ❖ to undertake studies, particularly in the context of the Universal Declaration;
- ❖ to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms, and the protection of racial, national, religious, and linguistic minorities;
- ❖ to perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights.

Studies prepared by members of the Sub-Commission have been undertaken on topics such as harmful practices affecting the health of women and children, discrimination against people infected with HIV/AIDS, freedom of expression, the right to a fair trial, the human rights of detained juveniles, human rights and the environment, the rights of minorities and indigenous peoples, the question of impunity concerning violations of human rights and the right to adequate housing.

◆ **Working groups**

The Sub-Commission is assisted by special rapporteurs (an individual expert working on a particular issue – *see Part 3*) and working groups (a group of independent experts working together on a particular issue):

- ❖ *Special Rapporteurs* on: Impunity Concerning Economic, Social and Cultural Rights; Impunity Concerning Civil and Political Rights; the Human Rights Dimension of Population Transfers; Human Rights and Income Distribution; Traditional Practices Affecting the Health of Women and the Girl Child; Systematic Rape and Sexual Slavery During Armed Conflict; Treaties, Agreements and Other Constructive Arrangements Between States and Indigenous Populations; Indigenous Peoples and Their Relationship to Land; the Question of Human Rights and States of Emergency; Privatization of Prisons; Freedom of Movement; Terrorism and Human Rights; Scientific Progress and Human Rights.
- ❖ *Working Groups* on: Communications (1503 Procedure, *see* 3.8); Contemporary Forms of Slavery; Indigenous Populations; Minorities.

◆ Sessions

The Sub-Commission meets annually in August for a four-week session in Geneva. The session is attended by observers from Member and non-member States of the United Nations and from United Nations departments and specialized agencies, other inter-governmental organizations and non-governmental organizations

2. *Commission on the Status of Women (CSW)*

The Commission on the Status of Women is the principal technical body of the United Nations for the development of substantive policy guidance with regard to the advancement of women. The Commission presently consists of 45 government experts elected by the Economic and Social Council for a period of four years. Members, who are appointed by Governments, are elected in accordance with the following criteria of geographical representation: thirteen from African States; eleven from Asian States; four from Eastern European States; nine from Latin American and Caribbean States; and eight from Western European and Other States.

◆ Powers and functions

The functions of the Commission are to promote women's rights through:

- ❖ the preparation of recommendations and reports to the Economic and Social Council on promoting women's rights in the political, economic, social and educational fields;
- ❖ the formulation of recommendations to the Council on "urgent" problems. The Council has stated that urgent aspects of women's rights should be aimed at achieving de facto observance of the principle of equality

between men and women and that the Commission should propose ways of implementing such recommendations.

Following the 1995 Fourth World Conference on Women, the General Assembly mandated the Commission on the Status of Women to play a catalytic role, regularly reviewing the critical areas of concern in the Platform for Action adopted by the Conference.

◆ Sessions

Between 1971 and 1989, the Commission's sessions – each of three weeks duration – were held every two years in New York or Geneva. However, since 1989, sessions of the Commission are held annually in New York. Sessions are attended by members and alternates and by observers for other Member States of the United Nations, representatives of bodies of the United Nations system, intergovernmental organizations and non-governmental organizations.

2.4 The Security Council

The United Nations Charter established the Security Council as one of the principal organs of the United Nations. It comprises 5 permanent members (China, France, Russia, United Kingdom and United States) and 10 non-permanent members elected for two years by the United Nations General Assembly. Each member has one vote and permanent members have the power to block the adoption of any resolution (known as the veto power). Decisions require a majority of nine votes and the agreement of all five permanent members.

a. Powers and functions

In accordance with the United Nations Charter, the Security Council has primary responsibility for:

- ❖ the maintenance of peace and international security;
- ❖ investigation of any dispute, or any situation that might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

By joining the United Nations, all Member States agree to accept and carry out decisions of the Security Council.

b. Human rights

The Security Council has the authority to:

- ❖ put human rights mandates into peace-keeping operations or to mandate separate human rights operations;
- ❖ consider gross human rights violations that are threats to peace and security under article 39 of the Charter and recommend enforcement measures;
- ❖ establish international criminal tribunals.

c. International Criminal Tribunal for Former Yugoslavia

Faced with a situation characterized by widespread violations of international humanitarian and human rights law in the former Yugoslavia, including the existence of concentration camps and the continuance of the practice of “ethnic cleansing”, the Security Council initially adopted a series of resolutions requesting that all parties concerned in the conflict comply with the obligations under international law, more particularly under the Geneva Conventions. The Security Council reaffirmed the principle of the individual criminal responsibility of persons who commit or order the commission of grave breaches of the Geneva Conventions or other breaches of international humanitarian law.

Owing to a lack of compliance with its early resolutions, the Security Council eventually decided that an international tribunal would be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to prepare a report on this matter. The report of the Secretary-General incorporating the Statute of the International Tribunal was submitted to the Security Council, which, acting under Chapter VII of the Charter of the United Nations, adopted it in its resolution 827 (1993) of 25 May 1993, thereby establishing an international tribunal for the former Yugoslavia in The Hague. The statute defines the Tribunal’s authority to prosecute four clusters of offences: grave breaches of the 1949 Geneva Conventions; violations of the laws or customs of war; genocide; and crimes against humanity.

From the date of its establishment to January 1999, the Tribunal has handed down indictments against 93 individuals. [Source: *ICTY General Presentation (Fact Sheet) 7 March 2000*]

Also see ICTY web site at: <http://www.un.org/icty/index.html>

d. International Criminal Tribunal for Rwanda

The scale and severity of gross human rights abuses and ethnic cleansing in Rwanda during 1994, led to the adoption by the Security Council, on 8 November 1994, of resolution 955 (1994) creating the International Criminal Tribunal for Rwanda, eighteen months after the International Tribunal for the Former Yugoslavia had been established by Security Council resolution 827 of 25 May 1993. The Security Council resolution decided “to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States”.

The Statute gives the Tribunal the power to prosecute genocide, crimes against humanity, violations of common Article 3 of the Geneva Conventions and Additional Protocol II. The Tribunal’s jurisdiction covers crimes committed by Rwandans in the territory of Rwanda and in the territory of neighbouring States as well as non-Rwandan citizens for crimes committed in Rwanda between 1 January and 31 December 1994. The Tribunal is based in Arusha, Tanzania.

As at January 1999, the Tribunal had issued 28 indictments against 45 individuals. [*Source: ICTR Fact Sheet January 1999*]

For further information see ICTR at: <http://www.un.org/ict>

e. International Criminal Court

An international criminal court is considered the missing link in the international legal system for the reason that the International Court of Justice at The Hague handles only cases between States, not individuals. In the absence of an international criminal court for dealing with individual responsibility as an enforcement mechanism, acts of genocide and egregious violations of human rights often go unpunished. In the last 50 years, there have been many instances of crimes against humanity and war crimes for which no individual has been held accountable.

Following long and intense negotiations, in 1998 the United Nations adopted the “Rome Statute of the International Criminal Court”. Following the entry into force of the Statute, the Court will be established as a permanent institution with the power to exercise its jurisdiction over persons for the most serious crimes of international concern. The Court is meant to be complementary to national criminal jurisdictions.

According to article 126 of its final clauses, the Statute will “enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations”. As at March 2000, 7 States had ratified the Statute.

For further information see the website: <http://www.un.org/law/icc/index.htm>

2.5 The International Court of Justice (ICJ)

The International Court of Justice was established by the United Nations Charter as the judicial organ of the United Nations. It is composed of 15 independent judges elected by the Security Council on the recommendation of the General Assembly. In accordance with the provisions of article 36 of the Statute of the Court annexed to the Charter, only States may be seized before the Court. This means that individuals, entities having legal personality and international or non-governmental organizations may not be parties in litigation before the Court.

International human rights instruments do not specifically provide for adjudication by the Court. However, from time to time, the Court has taken decisions in an adjudicatory or advisory capacity on questions regarding the existence or protection of human rights. The Court’s deliberations on these issues are of considerable interest, since its decisions have played a significant role in defining international human rights law. In this respect, the judicial practice of the ICJ is consistent with the decisions handed down by its predecessor, the Permanent Court of International Justice.

2.6 The Secretariat of the United Nations

The United Nations Charter provided for the creation of a Secretariat which comprises the Secretary-General as the chief administrative officer of the Organization, and such staff as the Organization may require. More than 25,000 men and women from some 160 countries make up the Secretariat staff. As international civil servants, they and the Secretary-General answer solely to the United Nations for their activities, and take an oath not to seek or receive instructions from any Government or outside authority. The Secretariat is located at the headquarters of the United Nations in New York and has major duty stations in Addis Ababa, Bangkok, Beirut, Geneva, Nairobi, Santiago and Vienna.

a. Organization

The Secretariat consists of a number of major organizational units, each headed by an official accountable to the Secretary-General. These include, inter alia, the Executive Office of the Secretary-General; Office for the Coordination of Humanitarian Affairs; Department for General Assembly Affairs and Conference Services; Department of Peacekeeping Operations; Department of Economic and Social Affairs; Department of Political Affairs; Department for Disarmament and Arms Regulation; Office of Legal Affairs; Department of Management.

Subsequent to the Secretary-General's reform package presented in document A/51/950, the work of the Organization falls into four substantive categories: peace and security, development cooperation, international economic and social affairs; and humanitarian affairs. Human rights is designated as a cross-cutting issue in all four categories. Each area is co-ordinated by an Executive Committee which manages common, cross-cutting and overlapping policy concerns. In order to integrate the work of the Executive Committees and address matters affecting the Organization as a whole, a cabinet-style Senior Management Group, comprising the heads of department under the chairmanship of the Secretary-General, has been established. It meets weekly with members in Geneva, Vienna, Nairobi and Rome participating through tele-conferencing. A Strategic Planning Unit has also been established to enable the Group to consider individual questions on its agenda within broader and longer-term frames of reference (*source A/53/1*).

The Office of the High Commissioner for Human Rights forms part of the Secretariat and is responsible for the overall promotion and protection of human rights. The High Commissioner, entrusted by General Assembly resolution 48/141 of 20 December 1993 with principal responsibility for United Nations human rights activities, comes under the direction and authority of the Secretary-General and 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. The High Commissioner is appointed by the Secretary-General with the approval of the General Assembly and is a member of all four Executive Committees. (*See part 5*)

For further information on the Secretariat see OHCHR website at: <http://www.unhcr.org/html/menu2/2/secretar.htm> or UN homepage website at: <http://www.un.org/Overview/Organs/secretariat.html>

b. Powers and functions

According to the United Nations Charter, the Secretary-General is required to: participate in all meetings and to perform all functions entrusted to him by

the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council; report annually to the General Assembly on the work of the Organization; and to bring to the attention of the Security Council any matter which, in his opinion, threatens international peace and security. The Secretary-General therefore functions as both the conscience of the international community and the servant of Member States.

The work carried out by the Secretariat is as varied as the problems dealt with by the United Nations. These range from mediating international disputes to issuing international stamps. The Secretariat's functions are, inter alia, to: provide support to the Secretary-General in fulfilling the functions entrusted to him or her under the Charter; promote the principles of the Charter and build understanding and public support for the objectives of the United Nations; promote economic and social development, development cooperation, human rights and international law; conduct studies, promote standards and provide information in various fields responding to the priority needs of Member States; and organize international conferences and other meetings.

The work of the Secretary-General entails routine daily consultations with world leaders and other individuals, attendance at sessions of various United Nations bodies, and worldwide travel as part of the overall effort to improve the state of international affairs. The Secretary-General issues an annual report in which he appraises the work of the Organization and presents his views on future priorities.

c. “Good Offices” (article 99 of the Charter)

The Secretary-General may be best known to the general public for using his impartiality to engage and intervene in matters of international concern. This is commonly referred to as his “good offices” and is indicative of the steps taken by the Secretary-General or his senior staff, publicly and in private, to prevent international disputes from arising, escalating or spreading. The Secretary-General can use his good offices to raise sensitive human rights matters with Governments. His intervention may be at his own discretion or at the request of Member States.

[Also see introduction: United Nation's Programme for Reform.]

PART 3:

HUMAN RIGHTS MECHANISMS

Introduction

A number of conventional mechanisms and extra-conventional mechanisms are in place to monitor the implementation of international human rights standards and to deal with complaints of human rights violations.

International human rights mechanisms

A. Conventional Mechanisms: Treaty-Monitoring Bodies

- Committee on Economic, Social and Cultural Rights (*monitors the implementation of the International Covenant on Economic, Social and Cultural Rights*)
- Human Rights Committee (*monitors the implementation of the International Covenant on Civil and Political Rights*)
- Committee on the Elimination of Racial Discrimination (*monitors the implementation of the International Convention for the Elimination of all Forms Racial Discrimination*)
- Committee against Torture (*monitors the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*)
- Committee on the Elimination of Discrimination against Women (*monitors the implementation of the Convention on the Elimination of All Forms or Discrimination against Women*)
- Committee on the Rights of the Child (*monitors the implementation of the Convention on the Rights of the Child*)

B. Extra-Conventional Mechanisms: Special Procedures

- Special Rapporteurs, Special representatives, Special envoys and Independent experts, Working groups – thematic or country (Urgent Actions)
- Complaints procedure 1503.

“Conventional mechanisms” refer to committees of independent experts established to monitor the implementation of international human rights treaties by States parties. By ratifying a treaty, States parties willingly submit their domestic legal system, administrative procedures and other national practices to periodic review by the committees. These committees are often referred to as treaty-monitoring bodies (or “treaty bodies”).

In contrast, “extra-conventional mechanisms” refer to those mechanisms established by mandates emanating, not from treaties, but from resolutions of relevant United Nations legislative organs, such as the Commission on Human Rights or the General Assembly. Extra-conventional mechanisms may also be established by expert bodies, such as the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities). They normally take the form of an independent expert or a working group and are often referred to as “special procedures”.

A. Conventional mechanisms

3.1 Treaty-monitoring bodies

a. Overview of the conventional mechanisms

Conventional mechanisms monitor the implementation of the major international human rights treaties. The different committees established are composed of independent experts acting in their individual capacity and not as representatives of their Governments, although they are elected by representatives of States parties. The committees comprise 18 members each, with the exception of the Committee Against Torture and Committee on the Rights of the Child (both 10 members) and Committee against the Elimination of all forms of Discrimination Against Women (23 members). Members are elected according to the principle of equitable geographic representation, thus ensuring a balanced perspective and expertise in the major legal systems. The main functions of the treaty bodies are to examine reports submitted by States parties and to consider complaints of human rights violations.

- ❖ **State reporting:** All States parties to the international treaties are required to submit reports stating progress made and problems encountered in the implementation of the rights under the relevant treaty.
- ❖ **Individual complaints:** Three of the international treaties currently allow for individuals to lodge complaints about alleged violations of rights

(the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention against Torture and Other Cruel or Inhuman Treatment or Punishment).

- ❖ **State-to-State complaints:** The same three treaties, in addition to the Convention on the Elimination of All Forms of Discrimination against Women, as listed above, also make provision for States parties to lodge complaints relating to alleged human rights abuses against another State party. This procedure has never been resorted to.

By virtue of their responsibilities, treaty bodies serve as the most authoritative source of interpretation of the human rights treaties that they monitor. Interpretation of specific treaty provisions can be found in their “views” on complaints and in the “concluding observations” or “concluding comments” which they adopt on State reports. In addition, treaty bodies share their understanding on and experience of various aspects of treaty implementation through the formulation and adoption of “general comments” or “general recommendations”. At present, there is a large body of general comments and recommendations serving as another valuable resource with regard to treaty interpretation.

Complaints of human rights violations are technically referred to as “communications”.

b. Reporting procedure

All treaties require States parties to report on the progress of implementation of the rights set forth in the treaty. The common procedure is as follows:

- ❖ Each State party is required to submit periodic reports to the Committee;
- ❖ The reports are examined by the treaty body in light of information received from a variety of sources including non-governmental organizations, United Nations agencies, experts. Some treaty bodies specifically invite NGOs and United Nations agencies to submit information;
- ❖ After considering the information, the treaty body issues concluding observations/comments containing recommendations for action by the State party enabling better implementation of the relevant treaty. The treaty body monitors follow-up action by the State party on the concluding comments/observations during examination of the next report submitted. On several occasions, treaty-body recommendations set out in the concluding comments/observations have served as the basis for new technical cooperation projects.

c. *Communications procedure for individual complaints*

The communications procedure set out in the Optional Protocol to the ICCPR – article 22 (CAT) and article 14 (CERD) – is conditional on the following:

- ❖ the individual must first exhaust local remedies. In other words, the individual must have explored available legal remedies in the State concerned including appeal to the highest court, unless:
 - there is no legal process in that country to protect the rights alleged to have been violated;
 - access to remedies through the local courts has been denied or prevented;
 - there has been an unreasonable delay locally in hearing the complaint;
 - a consistent pattern of gross violations of human rights makes any prospect of remedies meaningless;
 - the remedies are unlikely to bring effective relief to the victim.
- ❖ the communication must not be anonymous or abusive;
- ❖ the communication must allege violations of rights as stipulated in the treaty which the committee oversees;
- ❖ the communication must come from an individual who lives under the jurisdiction of a State which is party to the particular treaty;
- ❖ the communication must not be under current or past investigation in another international procedure;
- ❖ the allegations set out in the communication must be substantiated.

d. *How to contact the committees*

Five committees are serviced by the Office of the High Commissioner for Human Rights:

- ❖ the Committee on Economic, Social and Cultural Rights,
- ❖ the Human Rights Committee,
- ❖ the Committee against Torture,
- ❖ the Committee on the Elimination of All Forms of Racial Discrimination;
and
- ❖ the Committee on the Rights of the Child.

Communications, submissions or correspondence for these treaty bodies may be directed to:

(The relevant committee)
Support Services Branch
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8 – 14 avenue de la Paix
1211 Geneva 10 • Switzerland
Telephone: +41 22 917 90 00 • Fax: +41 22 917 90 22

The Committee for the Elimination of All Forms of Discrimination Against Women is serviced by the Division for the Advancement of Women. Submissions or correspondence may be directed to:

Committee on the Elimination of Discrimination
against Women
c/o Division for the Advancement of Women
Attention Women's Rights Unit
United Nations Headquarters
DC2
1 UN Plaza
New York, NY 10017
Tel: +1 212 963 3764 • Fax: +1 212 963 3463

3.2 Committee on Economic, Social and Cultural Rights (CESCR)

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council with a view to assisting the Council fulfil its responsibilities to the International Covenant on Economic, Social and Cultural Rights. It is composed of 18 independent experts.

Reporting procedure

States parties submit their first report within two years of becoming parties to the Covenant. Subsequent reports must be submitted at least every five years thereafter or whenever the Committee so requests.

General discussion days

The Committee usually devotes one day of its regular sessions to a general discussion on a specific right or particular article of the Covenant in order to develop a greater depth of understanding on the issue, such as human rights education, the rights of elderly persons, the right to health and the right to housing. The discussion, in which representatives of international organizations and NGOs participate, is normally announced in advance. The relevant decision of the Committee can be found in its annual report. All interested parties, including NGOs, are invited to make written contributions.

Sessions

The Committee is convened in Geneva twice a year, in May and November; each session is of three weeks' duration. A pre-sessional working group comprising five members is normally convened for one week immediately following each Committee session to prepare for the following session.

For more information on the CESCR, see the OHCHR web-site: <http://www.unhcr.org/refugees/html/menu2/6/cescr.htm>

3.3 Human Rights Committee (HRC)

The Human Rights Committee was established pursuant to article 28 of the International Covenant on Civil and Political Rights. It is composed of 18 members, acting in their personal capacity, who are nominated and elected by States parties to the Covenant for a term of four years.

Its functions are to monitor the Covenant by examining reports submitted by States parties and to receive individual communications concerning alleged violations of the Covenant by States parties to the Optional Protocol to the Covenant. Communications are examined in a quasi-judicial manner leading to the adoption of “views” which have a similarity to the judgements of international courts and tribunals. Implementation of the Committee’s decision is monitored by a Special Rapporteur who also conducts field missions.

Reporting procedure

Under the Covenant, States parties must submit initial reports to the Committee within one year of the entry into force of the Covenant for the State concerned and thereafter whenever the Committee so requests. Other than initial reports, periodic reports are submitted every five years.

The Committee regularly established a pre-sessional working group of four Committee members to assist in the drafting of issues to be considered in connection with States reports. Consideration of reports takes place over two or three meetings held in public. After the report is introduced to the Committee, the State representative has an opportunity to respond to written or oral questions raised by members of the Committee. NGOs are permitted to send submissions to the Committee. Following consideration, the Committee adopts its “comments” in a closed meeting making suggestions and recommendations to the State party. Comments are issued as public documents at the end of each session of the Committee and included in the annual report to the General Assembly.

Complaints by individuals

Under the Optional Protocol to the Covenant, a communication may be submitted by an individual who claims that his or her rights, as set out in the Covenant, have been violated. The Committee considers communications in light of written information made available to it by the individual and by the State party concerned and issues its “views” accordingly. When it appears that the alleged victim cannot submit the communication, the Committee may consider a communication from another person acting on his or her behalf. An unrelated third party having no apparent links with the alleged victim may not submit communications. A follow-up procedure is aimed at monitoring implementation of the Committee’s “views”.

Sessions

The Committee is convened three times a year for sessions of three weeks’ duration, normally in March, at United Nations headquarters in New York and in July and October/November at the United Nations Office at Geneva. Each session is preceded by a one-week working group session. It reports annually to the General Assembly.

For more information on the HRC, see the OHCHR web-site: <http://www.unhcr.org/refugees/menu2/6/brc.htm>. A model communication is annexed.

3.4 Committee on the Elimination of all Forms of Racial Discrimination (CERD)

The Committee on the Elimination of Racial Discrimination was established under the International Convention on the Elimination of All Forms of Racial Discrimination. It is composed of 18 experts, acting in their personal

capacity, who are nominated and elected by States parties to the Convention for a four-year term.

The Committee monitors the implementation of the Convention by examining reports submitted by States parties which are due every two years. It also examines individual communications concerning violations of the Convention by States parties which have accepted the optional complaints procedure under article 14 of the Convention. The Committee can also examine situations under its urgent action and prevention procedure.

Reporting procedure

Each State report receives the attention of a member designated as Country Rapporteur. He or she undertakes a detailed analysis of the report for consideration by the Committee and leads the discussion with the representatives of the State party. The Committee has also developed an urgent action and prevention procedure under which situations of particular concern may be examined. In order to prevent long overdue reports, if a report is more than five years overdue, the Committee may examine the country situation in the absence of a report.

Individual communications procedure

The procedure concerning communications from individuals or groups claiming to be victims of violations of the Convention came into operation in 1982. Such communications may only be considered if the State concerned is a party to the Convention and has made the declaration under article 14 that it recognizes the competence of CERD to receive such complaints. Where a State party has accepted the competence of the Committee, such communications are confidentially brought to the attention of the State party concerned but the identity of the author is not revealed.

Sessions

The committee meets in two sessions annually in Geneva, in March and August, each of three weeks' duration.

For more information on the CERD see the OHCHR web-site: <http://www.unhcr.org/html/menu2/6/cerd.htm>

3.5 Committee against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

The Committee against Torture was established under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. It is composed of 10 experts, acting in their personal capacity, who are nominated and elected by States parties to the Convention for a four- year term.

The primary functions of the Committee are to monitor the implementation of the Convention by examining reports submitted by States parties, to receive individual communications concerning violations of the Convention by States parties which have accepted the optional procedure under article 22 of the Convention and to conduct inquiries into the alleged systematic practice of torture in States which have accepted the procedure under article 20.

Reporting procedure

Under the Convention, each State Party must submit a report to the Committee on measures taken to give effect to its undertakings under the Convention. The first report must be submitted within one year after the entry into force of the Convention for the State concerned. Thereafter, reports shall be submitted every four years on subsequent developments. The Committee designates a country rapporteur to undertake a detailed analysis of the report for consideration by the Committee. The Committee may also request further reports and additional information.

Enquiry procedure

If the Committee receives reliable information which it considers to be based on well-founded indications that “torture is being systematically practiced” in a State, the Committee is empowered to make a confidential inquiry.

If the Committee considers that the information gathered “warrants” further examination, it may designate one or more of its members to “make a confidential inquiry and to report to the Committee urgently”. The Committee then invites the State party concerned to cooperate in the inquiry. Accordingly, the Committee may request the State party to designate a representative to meet with the members of the Committee in order to provide the necessary information. The enquiry may also include, with the agreement of the State, a visit to the alleged site. After examining the findings of the inquiry, the Committee transmits them together with its comments and recommendation to the State party, inviting it to indicate the action which it intends to take in

response. Finally, after consultation with the State Party, the Committee may decide to publish a summary of the proceedings separately or in its annual report.

Individual communication procedure

A communication may be submitted directly or, under certain conditions, through representatives, by individuals who claim to be victims of torture by a State which has accepted the competence of the Committee. The function of the Committee is to gather relevant information, consider the admissibility and merits of complaints and to issue its “views”. If the alleged victim is not in a position to submit the communication on his or her own behalf, a relative or representative may act in that capacity.

Sessions

The Committee meets in Geneva twice each year in November and in the April-May period for two or three weeks. However, special sessions may be convened by decision of the Committee itself at the request of a majority of its members or of a State party to the Convention. The committee reports annually on its activities to the States parties to the Convention and to the General Assembly.

For more information see the OHCHR web-site: <http://www.unbchr.ch/btml/menu2/6/cat.htm>

3.6 Committee on the Elimination of Discrimination against Women

The Committee on the Elimination of Discrimination against Women was established in accordance with the International Convention on the Elimination of All Forms of Discrimination against Women. The Committee is composed of 23 experts acting in their personal capacity, who are nominated and elected by the States parties to the Convention for a four-years term.

The Committee’s main function is to monitor the implementation of the Convention based on consideration of reports from States parties.

The new Optional Protocol establishes two procedures: an individual communications procedure which will allow communications to be submitted by or on behalf of individuals or groups of individuals claiming to be victims of a violation of any of the rights set out in the Convention; and a procedure which will allow the Committee to enquire into grave or systematic violations by a State party of those rights. In addition, no reservations are permissible, although any State accepting the Protocol may “opt-out” of the enquiry procedure.

Reporting procedure

A State party must submit its first report within one year after it has ratified or acceded to the Convention. Subsequent reports must be submitted at least every four years or whenever the Committee so requests.

To consider States parties' reports adequately, the Committee established a pre-sessional working group with the mandate to consider periodic reports. The pre-sessional working groups are composed of five members of the Committee who prepare lists of issues and questions to be sent in advance to the reporting State. This enables reporting States to prepare replies for presentation at the session and thus contribute to a speedier consideration of the second and subsequent reports.

The Committee has established two standing working groups which meet during the regular session to consider ways and means of improving the work of the Committee and of implementing article 21 of the Convention under which the Committee may issue suggestions and recommendations on implementation of the Convention.

The consideration of reports by the Committee takes place in public session, whereas the adoption of the concluding observations, intended to guide the State Party in the preparation of its next report, is subsequently held in private. State representatives are given the opportunity to introduce the report orally and members then raise questions relating to specific articles of the Convention. They focus on the actual position of women in society in an effort to understand the true extent of the problem of discrimination. The Committee will accordingly request specific information on the position of women from a variety of sources.

Following consideration of the report in public session, the Committee proceeds to draft and adopt its "Comments" in a series of private sessions. The Comments enter the public domain once adopted. They are immediately sent to the State party and included in the annual report to the General Assembly. The report is also submitted to the Commission on the Status of Women.

Sessions

The Committee meets in New York twice per year for a duration of three weeks. The week following the close of each session is reserved for the Working Group which establishes the agenda for the next meeting. The Committee is serviced by the UN Division for the Advancement of Women which is based in New York.

For more information see the OHCHR web-site: <http://www.unbchr.ch/html/menu2/6/cedw.htm>

3.7 Committee on the Rights of the Child (CRC)

The Committee on the Rights on the Child was established under the Convention on the Rights of the Child. It comprises 10 independent members elected for a four-year term.

The main function of the Committee is to monitor the implementation of the Convention on the Rights of the Child based on examination of State reports in close cooperation with the United Nations Children's Fund (UNICEF), specialized agencies and other competent bodies (including NGOs).

Reporting procedure

States parties are required to submit reports to the Committee two years after becoming parties to the Convention, and thereafter every five years, on measures taken to give effect to the rights in the Convention and on the progress made in the enjoyment of children's rights.

The pre-sessional working groups comprising all members of the Committee meet in closed meeting at the end of each session to consider reports scheduled for the next session. Its mandate is to identify those areas in the reports which require clarification or raise concerns and to prepare a list of issues for transmission to States parties. States provide written replies to be considered in conjunction with the report.

General discussion

The Committee devotes one or more meetings of its regular sessions to general discussion on one particular article of the Convention or on specific issues such as the situation of the girl child, the economic exploitation of children and children in the media. Representatives of international organizations and NGOs participate in the Committee discussion which is normally announced in the report of the session immediately preceding that in which the discussion takes place. All interested parties including NGOs are invited to make written contributions.

Individual complaints

There is no procedure outlined in the Convention for individual complaints from children or their representatives. The Committee may, however, request "further information relevant to the implementation of the Convention". Such additional information may be requested from Governments if there are indications of serious problems.

Sessions

The Committee hold three annual sessions in Geneva, each of three weeks' duration. It also holds three pre-sessional working groups, each of one week's duration.

For more information see the OHCHR web-site: <http://www.unhcr.org/refugees/ohchr/html/menu2/6/crc.htm>

B. Extra-conventional mechanisms

3.8 Special procedures

a. Thematic and country mandates

The Commission on Human Rights and the Economic and Social Council have, over time, established a number of other *extra-conventional mechanisms* or *special procedures*, meaning they were not created either by the United Nations Charter or by an international treaty. Extra-conventional mechanisms also monitor the implementation and enforcement of human rights standards. These mechanisms have been entrusted to working groups of experts acting in their individual capacity or individuals designated as Special Rapporteurs, Special Representatives or independent experts.

The mandate and tenure of the working group, independent experts and special representatives of the Secretary-General depend on the decision of the Commission on Human Rights or the Economic and Social Council. In general, their mandates are to examine, monitor and publicly report on either the human rights situation in a specific country or territory – known as country mandates – or on human rights violations worldwide – known as thematic mechanisms or mandates. A list of country and *thematic* mandates is at annexes V and VI.

The special procedure mechanisms are of paramount importance for monitoring universal human rights standards and address many of the most serious human rights violations in the world. The increase and the evolution of procedures and mechanisms in this area constitute a system of human rights protection.

Objectives

All special procedures have the central objective of making international human rights more operative. Yet each special procedure has its own specific mandate which has, in certain cases, evolved in accordance with specific cir-

cumstances and needs. While certain basic principles and criteria are common to all special procedures, the complexities and peculiarities of each individual mandate have at times required special arrangements.

Dialogue with Governments

Each independent expert initiates constructive dialogue with States' representatives in order to obtain their cooperation as a means of redressing violations of human rights. Their examinations and investigations are carried out in an objective manner so as to identify solutions to States for securing respect for human rights.

Individual complaints mechanisms

These mechanisms have no formal complaints procedures even though their activities are based on information received from various sources (the victims or their relatives, local or international NGOs, for example) containing allegations of human rights violations. Information of this kind may be submitted in various forms (e.g. letters, faxes, and cables) and may concern individual cases as well as details of situations of alleged violations of human rights.

In order to pursue a complaint, a number of requirements must be fulfilled:

- ❖ identification of the alleged victim(s);
- ❖ identification of the Government agents responsible for the violation;
- ❖ identification of the person(s) or organization(s) submitting the communication;
- ❖ a detailed description of the circumstances of the incident in which the alleged violation occurred.

In order to be considered admissible, a communication must:

- ❖ not be anonymous;
- ❖ not contain abusive language;
- ❖ not convey an overtly political motivation;
- ❖ describe the facts of the incident and the relevant details referred to above, clearly and concisely.

Urgent action

Where information attests to an imminence of a serious human rights violation (e.g. extra-judicial execution, fear that a detained person may be subjected to torture or may die as a result of an untreated disease, for example) the Spe-

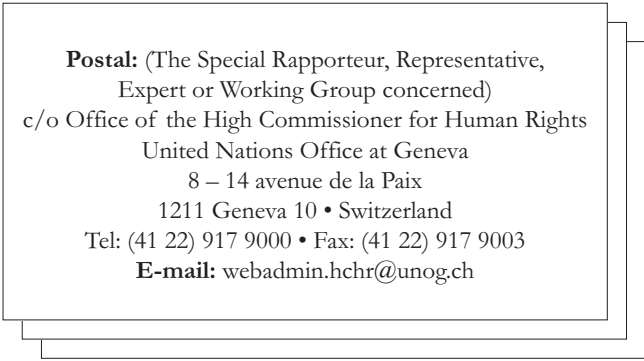
cial Rapporteur, Representative, Expert or Working Group may address a message to the authorities of the State concerned by telefax or telegramme, requesting clarifications on the case, appealing to the Government to take the necessary measures to guarantee the rights of the alleged victim. These appeals are meant to be preventive in character and do not prejudice a definitive conclusion.

Once an urgent action is transmitted to the Government in question, the Special Rapporteur, Representative, Expert or Working Group undertakes the following action:

- ❖ appeals to the Governments concerned to ensure effective protection of the alleged victims;
- ❖ urges the competent authorities to undertake full, independent and impartial investigation and to adopt all necessary measures to prevent further violations and requests to be informed of every step taken in this regard;
- ❖ if no response is received and/or the competent authority takes no remedial measures, the Special Rapporteur, Representative, Expert or Working Group reminds the Government concerned of the cases periodically.

Cases not clarified are made public through the report of the particular Special Procedures to the Commission on Human Rights or to the competent United Nations bodies.

Specific requests for such urgent intervention may be addressed to:



Postal: (The Special Rapporteur, Representative,
Expert or Working Group concerned)
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8 – 14 avenue de la Paix
1211 Geneva 10 • Switzerland
Tel: (41 22) 917 9000 • Fax: (41 22) 917 9003
E-mail: webadmin.hchr@unog.ch

N.B. The text **“For Urgent Action”** should be indicated at the beginning of the communication in order to facilitate its urgent transmission to the respective mandate(s).

b. The 1503 Procedure

Each year the United Nations receives thousands of communications alleging the existence of gross and systematic violations of human rights and fundamental freedoms. The Economic and Social Council consequently adopted a procedure for dealing with such communications. This is known as the 1503 procedure pursuant to the adoption of the resolution 1503 of 27 May 1970. It does not deal with individual cases but with situations affecting a large number of people over a protracted period of time.

Procedure for communications

A five-member Working Group of the Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-Commission on Prevention of Discrimination and Protection of Minorities) receives a monthly list of complaints (“communications”) in conjunction with a summary of the evidence. The five-member Working Group meets for two weeks each year immediately prior to the Sub-Commission’s annual session to consider all communications and replies from Governments.

In instances where the Working Group identifies reasonable evidence of a *consistent pattern of gross violations of human rights*, the matter is referred for examination by the Sub-Commission. A majority decision of the Working Group’s members is needed for referring a communication to the Sub-Commission. The Sub-Commission then decides whether the situations should be referred to the Commission on Human Rights, through the Commission’s Working Group on Situations. Subsequently, the Commission assumes responsibility for making a decision concerning each particular situation brought to its attention.

All the initial steps of the process are confidential, except the names of countries which have been under examination. This ensures that a pattern of abuses in a particular country, if not resolved in the early stages of the process, can be brought to the attention of the world community.

Admissibility

The Working Group’s decision on the admissibility of a communication is guided by the following criteria – the communication should:

- ❖ not reflect political motivation of any kind;
- ❖ have reasonable grounds for establishing that there is a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

- ❖ come from individuals or groups claiming to be victims of human rights violations or having direct, reliable knowledge of violations. Anonymous communications are inadmissible, as are those based only on reports in the mass media;
- ❖ describe the facts, the purpose and the rights that have been violated. As a rule, communications containing abusive language or insulting remarks about the State against which the complaint is directed will not be considered;
- ❖ have first exhausted all domestic remedies, unless it can be shown convincingly that solutions at national level would be ineffective or that they would extend over an unreasonable length of time.

Communications intended for handling under the “1503” procedure may be addressed to:

Support Services Branch
c/o Office of the High Commissioner for Human Rights,
United Nations Office at Geneva
8 – 14 avenue de la Paix
1211 Geneva 10 • Switzerland
E-mail: webadmin.hchr@unog.ch

PART 4:

UNITED NATIONS STRATEGIES AND ACTION TO PROMOTE HUMAN RIGHTS

“It is for you to realize these rights, now and for all time. Human rights are your rights. Seize them. Defend them. Promote them. Understand them and insist on them. Nourish and enrich them.”

United Nations Secretary-General Kofi Annan

Introduction

The task of promoting and protecting human rights, and thereby preventing human rights violations, is one of the most formidable challenges ahead. Evidence of gross violations of human rights today is a disturbing reminder of the work to be done. The collective efforts of the largest and most representative number of people must be harnessed in order to develop creative strategies to prevent all forms of human rights violations, both deliberate and inadvertent. Over time, the United Nations has employed various tools to protect and promote human rights. As the protection of human rights is primarily the responsibility of States, many strategies have been targeted towards strengthening the ability of States to protect persons within their territory, such as technical cooperation activities. Other strategies have been devised to nurture an understanding of human rights in areas such as education and development of publications. Overall, the main strategies may be defined as follows:

- ❖ Integrating human rights into early warning, humanitarian operations, peacekeeping and development
- ❖ Technical cooperation activities
- ❖ Human rights education and campaigns
- ❖ Human rights monitoring
- ❖ Working with civil society
- ❖ Publication of information.

4.1 *Integrating human rights into the work of the United Nations*

Since the Secretary-General launched the *Programme of Reform* in July 1997, there have been on-going efforts to promote and protect human rights by *integrating* human rights into all activities and programmes of the United Nations [see *Introduction*]. This strategy reflects the holistic approach to human rights. It recognizes that human rights are inextricably linked to the work of all United Nations agencies and bodies, including programmes and activities relating to housing, food, education, health, trade, development, security, labour, women, children, indigenous people, refugees, migration, the environment, science and humanitarian aid. The objectives of the process of integrating human rights are to:

- ❖ increase cooperation and collaboration across the entire United Nations system for human rights programmes;
- ❖ ensure that human rights issues are incorporated into untapped sectors of the United Nations work;
- ❖ ensure that United Nations activities make respect for human rights a routine, rather than a separate, component of United Nations activities and programmes.

The issue of human rights was, therefore, designated by the Secretary-General as cutting across the four substantive areas of the Secretariat's work programme (peace and security; economic and social affairs; development cooperation and humanitarian affairs). Mainstreaming human rights primarily takes the following forms: (a) adoption of a "human rights-based approach" to activities carried out in terms of the respective mandates of components of the United Nations system; (b) development of programmes or projects addressing specific human rights issues; (c) reorientation of existing programmes as a means of focusing adequate attention on human rights concerns; (d) inclusion of human rights components in field operations of the United Nations; (e) the presence of human rights programmes in all structural units of the Secretariat responsible for policy development and coordination. The Office of the High Commissioner for Human Rights plays a lead role in the integration of human rights throughout the United Nations system.

a. Preventive action and early warning

Violations of human rights are very often the root cause of humanitarian disasters, mass exoduses or refugee flows. Therefore, at the first signs of conflict, it is vital to deter the parties involved from committing human rights

violations thus defusing situations which may lead to humanitarian disasters. The United Nations has already developed early warning systems to detect potential conflicts. Incorporating human rights into this system by addressing the root causes of potential conflict will contribute to prevention of humanitarian and human rights tragedies and the search for comprehensive solutions.

United Nations human rights procedures and mechanisms such as the special rapporteurs and special representatives, treaty-based bodies, working groups of the Commission on Human Rights and its Sub-Commission and United Nations human rights field officers (experts, including special rapporteurs, special representatives, treaty-body experts and United Nations human rights field offices) constitute a valuable contribution to the early warning mechanisms for impending humanitarian and human rights crises. When information gathered is shared with other branches of the United Nations, such as the Office of the Coordinator for Humanitarian Affairs (OCHA), the Executive Committee on Peace and Security and Humanitarian Affairs, the Department of Political Affairs (DPA), the Department of Peace-keeping Operations (DPKO) and other conflict assessments are better informed. Based on the results from situation analysis, measures are considered to prevent the occurrence of crises. A human rights analysis contributes to more effective plans for tailoring prevention to the needs of imminent disasters.

The integration of human rights into preventive action and early warning systems is designed to bolster the accuracy of the early warning capacity of the United Nations in the humanitarian field by integrating human rights concerns before crises arise. This prepares the ground for effective cooperation before, during and after crises.

b. Human rights and humanitarian operations

The link between humanitarian law and human rights law was discussed in the introduction. There is increasing consensus that humanitarian operations must integrate human rights into conflict situations. Humanitarian operations are established in conflict or complex emergency situations where priorities have traditionally focused on addressing the most immediate needs – the delivery of humanitarian assistance. It is now understood that needs-based operations should also incorporate a human rights-based approach which serves to address both immediate needs and longer-term security.

In conflict and complex emergency situations, identification of human rights violations and efforts to protect those rights are essential, particularly as States may be unwilling or unable to protect human rights.

Human rights issues are being integrated into humanitarian operations in various ways. The Executive Committee on Humanitarian Affairs brings together relevant departments of the United Nations thus ensuring a co-ordinated and integrated approach to humanitarian issues. The Office of the High Commissioner for Human Rights is involved in the work of the Committee: this ensures the incorporation of a human rights dimension into the work and policy development in this field. Steps are being taken to guarantee that humanitarian field staff are trained in methods of basic human rights intervention, standards and procedures; to secure close field cooperation between human rights and humanitarian bodies; to ensure that a human rights dimension is included when developing strategies for major humanitarian efforts; and to encourage human rights monitoring in humanitarian operations.

c. Human rights and peace-keeping

The maintenance of international peace and security is one of the prime functions of the United Nations Organization. The importance of human rights in sustainable conflict resolution and prevention is gaining ground. Armed civilian conflicts are characterized by large-scale human rights violations which can often be traced to structural inequalities and the resulting imbalances in the accessibility of power and resources. The need for peace-keeping efforts to address human rights issues is apparent.

The guarantee of a comprehensive approach to United Nations strategies for peace and security is conditional on the integration of human rights issues into all peace-keeping operations at the planning and preparatory stage of needs assessments. To date, human rights mandates have been incorporated into the duties of several peace-keeping operations and predictably, in the years to come, the cooperation between DPA, DPKO and OHCHR will increase. Co-operation has in large part taken the shape of human rights training for peace-keeping personnel, including the military, civilian police and civilian affairs officers. In some cases, OHCHR has been called upon to ensure the continuation of peace-keeping operations by establishing a human rights presence on conclusion of the peace-keepers' mandate.

With recent developments, cooperation has extended to the creation of joint DPKO/OHCHR human rights components in peace-keeping operations. Under the authority of the Representative/Special Representative of the Secretary-General in charge of the operation, the peace-keeping operation receives substantive human rights guidance from OHCHR.

d. Integration of human rights into development

As early as 1957, the General Assembly expressed the view that a balanced and integrated economic and social development programme would contribute towards the promotion and maintenance of peace and security, social progress, better standards of living and the observance of and respect for human rights and fundamental freedoms. This approach was given increased prominence by the Teheran World Conference on Human Rights and later recognized as a paramount concern by the second World Conference on Human Rights held in Vienna in June 1993 – that genuine and sustainable development requires the protection and promotion of human rights.

Development is not restricted to meeting basic human needs; it is, indeed, a right. With a rights-based approach, effective action for development moves from the optional realm of charity, into the mandatory realm of law, with identifiable rights, obligations, claim-holders, and duty-holders. When development is conceived as a right, the implication is that someone holds a claim, or legal entitlement and a corresponding duty or legal obligation. The obligation which devolves upon Governments (individually by States vis-à-vis their own people, and collectively by the international community of States) is, in some cases, a positive obligation (to do, or provide something) and, in others, a negative obligation (to refrain from taking action). What is more, embracing the rights framework opens the door to the use of a growing pool of information, analysis and jurisprudence developed in recent years by treaty bodies and other human rights specialists on the requirements of adequate housing, health, food, childhood development, the rule of law, and virtually all other elements of sustainable human development.

The obligation to respond to the inalienable human rights of individuals, and not only in terms of fulfilling human needs, empowers the people to demand justice as a right, and it gives the community a sound moral basis on which to claim international assistance and a world economic order respectful of human rights.

The adoption of a rights-based approach enables United Nations organs to draw up their policies and programmes in accordance with internationally recognized human rights norms and standards.

The United Nations Development Assistance Framework (UNDAF) was established as part of the Secretary-General's *Programme of Reform*. UNDAF is a common programme and resources framework for all members of the United Nations Development Groups (UNDG) and, wherever possible, for the United Nations system as a whole. The objective of the programme is to

maximize the collective and individual development impact of participating entities and programmes of assistance; intensify collaboration in response to national development priorities; and ensure coherence and mutual reinforcement among individual programmes of assistance. The ad hoc Working Group of the Executive Committee of the UNDG is mandated to develop a common UNDG approach for enhancing the human rights dimension in development activities.

In order to facilitate the process of integrating human rights into development, the Administrator of the United Nations Development Programme and OHCHR have signed a memorandum of understanding seeking to increase the efficiency and effectiveness of the activities carried out within their respective mandates through cooperation and coordination. OHCHR will facilitate close cooperation between UNDP and the United Nations human rights organs, bodies and procedures, and will examine, with UNDP, the possibilities of joint initiatives aimed at implementing the human right to development, placing particular emphasis on defining indicators in the area of economic and social rights and devising other relevant methods and tools for their implementation.

4.2 Human Rights Technical Cooperation Programme

a. Technical cooperation in the field of human rights

The United Nations human rights technical cooperation programme assists countries, at their request, in building and strengthening national capacities and infrastructure which have a direct impact on the overall promotion and protection of human rights, democracy and the rule of law. This is done through technical advice and assistance to Governments and civil society. The objective is to assist in promoting and protecting all human rights at national and regional level, through the incorporation of international human rights standards into domestic legislation, policies and practices. In addition, it facilitates the building of sustainable national infrastructure for implementing these standards and ensuring respect for human rights.

While these activities are carried out throughout the United Nations Organization, OHCHR is the focal point for the technical cooperation programme in the field of human rights. Technical cooperation activities can be a complement to, but never a substitute for the monitoring and investigation activities of the United Nations human rights programme.

b. How to access assistance

In order to benefit from the United Nations Programme of Technical Cooperation in the field of human rights, a Government must submit a *request* for assistance to the Secretariat. In response, the Secretariat will *conduct an assessment* of that country's particular human rights needs, taking into consideration, among other factors, the following:

- ❖ specific recommendations made by the United Nations human rights treaty bodies;
- ❖ recommendations by the Commission on Human Rights and its mechanisms, including the representatives of the Secretary-General, the Special Rapporteurs on thematic or country situations and the various working groups;
- ❖ the recommendations adopted by the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights; and
- ❖ the views and concerns expressed by a wide range of national and international actors including government officials, civil society, national human rights institutions, and national and international NGOs.

The assessment is normally conducted through an international mission to the State concerned. Based on that assessment, an assistance programme is developed to address the needs identified in a comprehensive and coordinated manner. Periodic evaluations of the country programme during its implementation are normally followed by a post-implementation evaluation, with a view to measuring the effect of the assistance provided and developing follow-up plans.

Countries or regions in transition to democracy are the primary target of the Technical Cooperation Programme. Priority is also given to technical cooperation projects responding to the needs of less developed countries.

For more information see the OHCHR web-site: <http://www.unhcr.ch/html/menu2/techcoop.htm>

c. Various technical cooperation activities

The programme offers a wide range of human rights assistance projects, some of which are summarized below. It must be stressed, however, that the types of interventions described are merely indicative and not exhaustive. The results of needs assessments determine the type of technical cooperation project to be implemented.

National human rights institutions (The Paris Principles)

A central objective of the Technical Cooperation Programme is to consolidate and strengthen the role which national human rights institutions can play in the promotion and protection of human rights. In this context, the term *national human rights institutions* refers to bodies whose functions are specifically defined in terms of the promotion and protection of human rights, namely national human rights commissions and ombudsman offices, in accordance with the *Paris Principles*. OHCHR offers its services to Governments that are considering or in the process of establishing a national human rights institution.

The activities relating to national human rights institutions under the programme are aimed at promoting the concept of national human rights institutions and encouraging their development. To this end, information material and a practical manual have been developed for those involved in the establishment and administration of national institutions. In addition, a number of seminars and workshops have been conducted to provide government officials, politicians, NGOs and others with information and expertise in the structure and functioning of such bodies. These events have also served as useful forums for the exchange of information and experience concerning the establishment and operation of national human rights institutions.

Administration of justice

With respect to human rights in the administration of justice, the Technical Cooperation Programme provides training courses for judges, lawyers, prosecutors and penal institutions, as well as law enforcement officers. Such courses are intended to familiarize participants with international standards for human rights in the administration of justice; to facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and to teach trainer participants to include this information in their own training activities. Topics offered in courses for judges, lawyers, magistrates and prosecutors include: international sources, systems and standards for human rights in the administration of justice; human rights during criminal investigations, arrest and pre-trial detention; the independence of judges and lawyers; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights in a declared state of emergency.

Similarly, the training courses for law enforcement officials cover a broad range of topics, including the following: international sources, systems and standards for human rights in the administration of criminal justice; the

duties and guiding principles of ethical police conduct in democracies; the use of force and firearms in law enforcement; the crime of torture; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and rights of the accused. A Manual on Human Rights and Law Enforcement is available.

Course topics for prison officials include: minimum standards for facilities for prisoners and detainees; prison health issues, including AIDS and the HIV virus; and special categories of prisoners and detainees, including juveniles and women. A Handbook on Human Rights and Pre-trial Detention is available.

This approach to professional training for human rights in the administration of justice is subject to in-field testing by OHCHR in its technical cooperation activities in a number of countries, and has undergone a series of revisions on the basis of such experience.

Other forms of assistance in the area of the administration of justice include assistance in the development of guidelines, procedures and regulations consistent with international standards.

Assistance in drafting legislation

The United Nations makes the services of international experts and specialized staff available to assist Governments in the reform of their domestic legislation which has a clear impact on the situation of human rights and fundamental freedoms. The goal is to bring such laws into conformity with international standards, as identified in United Nations and regional human rights instruments. Drafts provided by a Government requesting such assistance are reviewed and recommendations are subsequently made. This programme component also includes assistance with respect to penal codes, codes of criminal procedure, prison regulations, laws regarding minority protection, laws affecting freedom of expression, association and assembly, immigration and nationality laws, laws on the judiciary and legal practice, security legislation, and, in general, any law which might have an impact directly, or indirectly, on the realization of internationally protected human rights.

Constitutional assistance

Under this programme component, OHCHR provides assistance for the incorporation of international human rights norms into national constitutions. In this regard, the Office can play a facilitating role in encouraging national consensus on those elements to be incorporated into the constitu-

tional reform process utilizing the services of legal experts. OHCHR assistance may also extend to the provision of human rights information and documentation, or support for public information campaigns to ensure the involvement of all sectors of society.

Their task includes legislative drafting as well as the drafting of bills of rights; the provision of justiciable remedies under the law; options for the allocation and separation of governmental powers; the independence of the judiciary; and the role of the judiciary in overseeing the police and prison systems.

National parliaments

Under the Technical Cooperation Programme, national parliaments may receive direct training and other support to assist them in undertaking their human rights function. This programme component addresses a variety of crucial issues, including the provision of information on national human rights legislation, parliamentary human rights committees, ratifications of and accessions to international human rights instruments, and, in general, the role of parliament in promoting and protecting human rights.

The armed forces

It is essential for the good functioning of the rule of law that the armed forces be bound by the Constitution and other laws of the land, that they answer to democratic Government and that they are trained in and committed to the principles of human rights and humanitarian law. The United Nations has carried out a number of training activities for armed forces.

Electoral assistance

The Technical Cooperation Programme has been providing electoral assistance for more than five years. Specific activities which the OHCHR has undertaken in this regard include the preparation of guidelines for analysis of electoral laws and procedures, publication of a handbook on human rights and elections, development of draft guidelines for human rights assessment of requests for electoral assistance and various public information activities relating to human rights and elections.

Treaty reporting and training of government officials

The OHCHR organizes training courses at regular intervals to enable government officials to draft reports in keeping with the guidelines establishing the various international human rights treaties to which their State is a party. Courses on reporting obligations may be provided at national or at regional

level. Alternatively, training courses may be organized under the human rights fellowship programme: participants take part in workshops with experts from the various treaty-monitoring committees, as well as with staff from the Office. They are provided with a copy of OHCHR's Manual on Human Rights Reporting and, whenever possible, are given the opportunity to observe meetings of treaty bodies.

Non-governmental organizations and civil society

Civil society constitutes an increasingly important factor in the international community. In recent years, the United Nations has found that much of its work, particularly at national level, calls for the involvement of various non-governmental organizations and groups – whether in economic and social development, humanitarian affairs, public health, or the promotion of human rights.

National and international non-governmental human rights organizations are key actors in the Technical Cooperation Programme, both in the delivery of assistance and as recipients of that assistance. In relation to the programme's aims to strengthen civil society, the United Nations is increasingly being called upon by Governments and others to provide assistance to national NGOs, in the context of its country activities, by soliciting their input, utilizing their services in seminars and training courses, and supporting appropriate projects which have been developed. (*See 4.5*)

Information and documentation projects

The Technical Cooperation Programme also provides human rights information and documentation and contributes to building capacity for the effective utilization and management of such material. Activities in this area include direct provision of documentation, translated where necessary into local languages; training in human rights information; and assistance in computerization of national and regional human rights offices. Assistance is also provided to national libraries in acquiring human rights books and documentation, and support can be lent for the establishment and functioning of national or regional human rights documentation centres.

Several manuals, handbooks and modules are being produced to support training and other technical cooperation activities. Existing or planned material targets specific audiences, such as the police, judges and lawyers, prison personnel, national human rights action plans, the armed forces, teachers and human rights monitors involved in United Nations field operations. The mate-

rial is adapted specifically to the recipient country in order to facilitate the integration of human rights into existing training programmes and curricula.

Peacekeeping and the training of international civil servants

In accordance with the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, the Technical Cooperation Programme has recently expanded the scope of its activities to include human rights support within the United Nations system. In the area of peacekeeping, for example, the programme has provided various forms of assistance to major United Nations missions in Cambodia, Eritrea, Mozambique, Haiti, South Africa, the countries of the former Yugoslavia, and Angola. Such assistance has included, variously, the provision of human rights information, legislative analysis, training and advisory services.

Human rights fellowships

The human rights fellowships scheme was initiated in keeping with General Assembly resolution 926 of 14 December 1955 which officially established the advisory services programme. Under the programme, fellowships are awarded only to candidates nominated by their Governments and are financed under the regular budget for advisory services.

Each year, the Secretary-General invites Member States to submit nominations for fellowships. Governments are requested to nominate persons directly engaged in functions affecting human rights, particularly in the administration of justice. The Secretary-General draws their attention to concerns expressed by the General Assembly, in many of its resolutions, with regard to the rights of women, and encourages the nomination of women candidates. The principle of equitable geographical distribution is taken into account and priority is given to candidates from States which have never benefitted from the fellowship programme, or which have not done so in recent years.

Participants receive intensive training in a variety of human rights issues. They are encouraged to exchange their experiences and are requested to evaluate the fellowship programme, to present individual oral reports, and to prepare recommendations for their superiors on the basis of knowledge acquired under the programme. In accordance with the policy and procedure governing the administration of United Nations fellowships, each participant is required to submit a comprehensive final report to OHCHR on subjects directly related to their field of activity.

4.3 Human rights education and campaigns

Human rights education

The fundamental role of human rights education is to increase the awareness of individuals in order to defend their rights and those of others. Knowledge of human rights constitutes a forceful means of achieving empowerment. Human rights education needs learners and educators working together to translate the language of human rights into knowledge, skills and behaviour. This necessitates developing an understanding of the responsibility each individual has in making those rights a reality at the local, national and international levels: the essence of global citizenship and global responsibility.

The relevant provisions of international instruments define human rights education as constituting training, dissemination and information efforts aimed at building a universal culture of human rights by imparting knowledge and skills and moulding attitudes. This entails the strengthening of respect for human rights and fundamental freedoms; the full development of the human personality and a sense of its dignity; the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; the enabling of all persons to participate effectively in a free society; and the furtherance of the activities of the United Nations for the maintenance of peace.

Human rights education campaigns

The United Nations has initiated and encouraged human rights awareness campaigns in order to promote particular human rights issues. The activities carried out during these campaigns include the development of publications, studies and programmes with the involvement of United Nations bodies, States, other international, regional and local organizations and civil society. The campaigns are intended to highlight specific human rights issues. It is widely acknowledged that awareness and information are vital to respect for human rights and prevention of human rights violations.

a. World Public Information Campaign on Human Rights (1988-ongoing)

It was only as recently as 1988 that the first concerted international effort was made to promote human rights. Although efforts had been made in the mid fifties to enhance awareness of the drafting work on the international Covenants, the launching of the World Public Information Campaign on Human Rights by the General Assembly in December 1988 represented the first seri-

ous attempt at coordinated effort for developing awareness of international norms. It was launched on the 40th Anniversary of the UDHR and is open-ended: once launched, it became part of the United Nations human rights programme.

The Campaign includes the publication and dissemination of human rights information and reference material, the organization of a fellowship and internship programme, briefings, commemorative events, exhibits and external relations activities.

The programme has expanded significantly since 1988. The use of the OHCHR website is an important new development. It is, inter alia, a repository of United Nations human rights information in English, French and Spanish relating to international treaties, treaty-body databases, programmes and activities, United Nations reports, resolutions and human rights issues.

b. Decade for Human Rights Education (1995-2004)

The 1993 Vienna Declaration and Programme of Action concluded that human rights education, training and public information are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. The Conference recommended that States should strive to eradicate illiteracy and direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It called on all States and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

Pursuant to a suggestion of the World Conference, the UNGA proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, and welcomed the Plan of Action for the Decade as set out in the report of the Secretary-General. The High Commissioner for Human Rights was called upon to coordinate the implementation of the Plan.

Plan of Action

The Plan of Action has five objectives:

1. Assessment of needs and formulation of effective strategies for the furtherance of human rights education;
2. Building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels;

3. Co-ordinated development of effective human rights education materials;
4. Strengthening the role and capacity of the mass media in the furtherance of human rights education;
5. Global dissemination of the Universal Declaration of Human Rights.

The Plan focuses on stimulating and supporting national and local activities and embodies the idea of a partnership between Governments, international organizations, non-governmental organizations, professional associations, various sectors of civil society and individuals.

In the national context, the Plan provides for the establishment of comprehensive (in terms of outreach), effective (in terms of educational strategies) and sustainable (over the long term) national plans of action for human rights education, with the support of international organizations. Those Plans should constitute an integral part of the national development plan (when applicable) and be complementary to other relevant national plans of action already defined (general human rights plans of action or those relating to women, children, minorities, indigenous peoples, etc.). Specific guidelines have been developed by OHCHR and endorsed by the General Assembly for the development of national plans of action for human rights education.

For further information on the Decade for Human Rights Education see the OHCHR website: <http://www.unhcr.org/refugees/html/menu6/1/edudec.htm>

c. Third Decade to Combat Racism and Racial Discrimination

By its resolution 48/91 of 20 December 1993, the General Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade. The ultimate goals of the Decade are:

- ❖ to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, with particular emphasis on eradicating racial prejudice, racism and racial discrimination;
- ❖ to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on the mutual espousal of racism and racial discrimination;
- ❖ to resist any policy and practices which lead to the strengthening of racist regimes and contribute to sustaining racism and racial discrimination;

- ❖ to identify, isolate and dispel fallacious and mythical beliefs, policies and practices contributing to racism and racial discrimination; and
- ❖ to put an end to racist regimes.

In order to achieve these goals, a number of activities are being undertaken including programmes and seminars to ensure respect for the existing standards and instruments to combat racism and xenophobia (including implementation of international instruments and adoption of revised national legislation); sensitization to racism and xenophobia (including appropriate teaching and education, and systematic use of the mass media to combat racial discrimination); to use all international bodies and mechanisms to combat racism and xenophobia; to review political, historical, social, economic and other factors which lead to racism and xenophobia.

The General Assembly decided to convene a World Conference against racism, racial discrimination, xenophobia and related intolerance, to be held not later than the year 2001. The Conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies. One of its aims will be to increase the effectiveness of United Nations programmes aimed at eradicating contemporary forms of racism and racial discrimination.

For further information see the OHCHR website at: <http://www.unhcr.ch/html/menu2/brissues.htm#racism>

4.4 Human rights monitoring

Monitoring is a broad term describing the active collection, verification, and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events (elections, trials, demonstrations, etc.), visiting sites such as places of detention and refugee camps, discussions with Government authorities to obtain information and to pursue remedies, and other immediate follow-up. The term includes evaluation activities by the United Nations as well as fact-gathering firsthand and other work in the field. In addition, the drawback to monitoring is that it generally takes place over a protracted period of time.

The major focus of United Nations monitoring is on carrying out investigations and subsequently denouncing human rights violations as a means of fighting impunity. However, it would be both deceiving and simplistic to identify human rights monitoring as being equivalent to a form of police activity.

Human rights monitoring must be seen as the most fool-proof means of assessing a country's situation, and impeding its human rights violations and which, subsequently, could create a basis for institution-building. A stable human rights presence in a given country can be described as an ongoing needs assessment and analysis mission. However, human rights monitoring can also be done on a sporadic basis, as is the case with the so-called fact-finding missions.

Some Governments, particularly totalitarian regimes, are reluctant to have an international human rights monitoring presence in their country, as they lack the long-term vision of good governance and see any attempt at cooperation as undue interference in their internal affairs. In such cases, monitoring can be done from a distance, often through the offices of a special rapporteur, which entails a greater effort in information gathering and checking the reliability of available sources.

4.5 Working with civil society

The direct involvement of people, individually and through non-governmental organizations and other organs of civil society, is essential to the realization of human rights. The Universal Declaration placed the realization of those rights squarely in the hands of “every individual and every organ of society”. Indeed, the history of human rights protection reflects the collective actions of individuals and organizations. The participation and contribution of all sectors of civil society are vital to the advancement of human rights .

a. NGOs and ECOSOC

Article 71 of the Charter of the United Nations provides for consultations between the Economic and Social Council and non-governmental organizations. Several hundred international non-governmental organizations have received consultative status under this Article, which permits them to attend public meetings of the Council, the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights as observers, and, in accordance with the rules established by the Council, to make oral statements and submit written documents. NGOs also sit as observers at public working group sessions of these bodies.

In their interventions at such meetings, the non-governmental organizations place emphasis on human rights situations requiring action on the part of the United Nations and suggest studies which should be carried out and instru-

ments which should be drafted; they also contribute to the actual drafting of declarations and treaties. Non-governmental organizations may also submit reports alleging violations of human rights, for confidential consideration by the Sub-Commission, treaties bodies and the Commission under the “1503” procedure. The views of non-governmental organizations are also sought on a wide range of issues where such consultation is appropriate and under decisions taken by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-Commission on Prevention of Discrimination and Protection of Minorities). The views and information they provide are included in the official reports.

Non-governmental organizations also play an important role in promoting respect for human rights and in informing the general public of United Nations activities in the field of human rights through education and public information campaigns.

b. Indigenous Peoples

The World Conference on Human Rights (June 1993) and the International Decade for the World’s Indigenous People (1995 – 2004) proclaimed by the General Assembly a year later set three major objectives for the promotion of the human rights of indigenous peoples. The first is to adopt a declaration on the rights of indigenous peoples; the second to create an institutional mechanism for the participation of indigenous peoples in the work of the United Nations by establishing a permanent forum for indigenous peoples; and the third to strengthen international cooperation for the solution of problems faced by indigenous people in areas such as human rights, the environment, development, education and health. In the context of the International Decade, current activities are as follows:

- ❖ The draft declaration on the rights of indigenous peoples is under consideration by a working group of the Commission on Human Rights. Several hundred governmental and indigenous representatives are taking part.
- ❖ The proposed permanent forum for indigenous peoples within the United Nations is under consideration by another working group of the Commission on Human Rights.
- ❖ The International Decade of the World’s Indigenous People is coordinated by the High Commissioner for Human Rights. The theme is “Indigenous people: partnership in action”. The challenge to Governments, the United Nations system and non-governmental actors is to develop programmes to bring about improvements in the living condi-

tions of indigenous peoples worldwide. In most UN agencies there are designated focal points or units undertaking activities benefiting indigenous peoples.

- ❖ OHCHR is focusing on capacity-building for indigenous organizations in human rights, strengthening the participation of indigenous peoples in the UN's work, and improving the information flow to indigenous communities.
- ❖ The indigenous fellowship programme offers six months training in human rights within OHCHR to indigenous representatives.
- ❖ Two voluntary funds provide travel grants to enable indigenous people to participate in human rights meetings and assistance with projects (see below).
- ❖ The indigenous media network: through a series of workshops and exchanges, OHCHR is using the indigenous media as the linkage between United Nations activities and indigenous communities.
- ❖ The Working Group on Indigenous Populations, open to all indigenous peoples, remains the primary international meeting place for the world's indigenous peoples with nearly 1,000 participants.

For more information see the OHCHR web-site: http://www.unhchr.ch/html/menu2/10/c/ind/ind_main.htm#decade

Voluntary funds

The United Nations **Voluntary Fund for Indigenous Populations** is administered by OHCHR on behalf of the Secretary-General, with the advice of a Board of Trustees. The Fund was established pursuant to General Assembly resolutions 40/131 of 13 December 1985, 50/156 of 21 December 1995 and 53/130 of 9 December 1998 . The purpose of the Fund is to assist representatives of indigenous communities and organizations participate in the deliberations of the Working Group on Indigenous Populations, the open-ended inter-sessional Working Group on the "UN Declaration on the Rights of Indigenous Peoples" and the open-ended inter-sessional *ad hoc* Working Group of the Permanent Forum, by providing them with financial assistance, funded by means of voluntary contributions from Governments, non- governmental organizations and other private or public entities. For application forms and guidelines, contact the Trust Funds Unit of SSB/OHCHR on fax (41 22) 9179017 and for further information see: <http://www.unhchr.ch/html/menu2/9/vfindige.htm>

The **Voluntary Fund for the International Decade of the World's Indigenous People** was established pursuant to General Assembly resolu-

tions 48/163 of 21 December 1993, 49/214 of 23 December 1994 and 50/157 of 21 December 1995, all of which concern the International Decade of the World's Indigenous People. In accordance with resolution 48/163, the Secretary-General was requested to establish a voluntary fund for the Decade and was authorized "to accept and administer voluntary contributions from Governments, inter-governmental and non-governmental organizations and other private institutions and individuals for the purpose of funding projects and programmes during the Decade". In accordance with paragraph 24 of the annex to General Assembly resolution 50/157, the Coordinator of the Decade, the United Nations High Commissioner for Human Rights, should,

"Encourage the development of projects and programmes, in collaboration with Governments and taking into account the views of indigenous people and the appropriate United Nations agencies, for support by the Voluntary Fund for the Decade".

For application forms and guidelines, contact the Trust Funds Unit of SSB/OHCHR on fax (41 22) 9179017 and for further information see <http://www.unhcr.ch/html/menu2/9/vfinddec.htm>

c. Minorities

In recent years, there has been a heightened interest among members of the international community in issues affecting minorities as ethnic, racial and religious tensions have escalated, threatening the economic, social and political fabric of States, as well as their territorial integrity. The United Nations approach centres on the need to promote and protect the rights of minorities and encourage harmonious relations among minorities and between minorities and the majority population.

In addition to the non-discrimination provisions set out in international human rights instruments, special rights are elaborated for minorities and measures adopted to protect persons belonging to minorities more effectively from discrimination and to promote their identity.

- ❖ The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities addresses the special rights of minorities in a separate document.
- ❖ The Working Group on Minorities was established in 1995 in order to promote the rights set out in the Declaration and, more particularly, to review the promotion and practical realization of the declaration, examine possible solutions to problems involving minorities, and recommend further measures for the promotion and protection of their rights. The working group is open to Governments, United Nations agencies, non-

governmental organizations, minority representatives and members of the academic community and is increasingly becoming a forum for dialogue on minority issues.

- ❖ A series of seminars on particular issues have drawn the attention of the international community to specific issues of relevance to the protection of minorities. Seminars have been held on intercultural and multicultural education and the role of the media in protecting minorities.
- ❖ Inter-agency cooperation on minority protection has led to an exchange of information on minority-related activities and has focused on specific activities and programmes which could be elaborated and implemented jointly, as a means of pooling financial, material and human resources.

d. Support for victims of torture

On behalf of the Secretary-General of the United Nations, OHCHR administers a Voluntary Fund for Victims of Torture with the advice of a Board of Trustees. The Fund was established by General Assembly resolution 36/151 of 16 December 1981. It receives voluntary contributions from Governments, non-governmental organizations and individuals for distribution, through established channels of assistance, to non-governmental organizations providing medical, psychological, legal, social, financial, humanitarian or other assistance to victims of torture and members of their families. If sufficient funding is available, relevant training and seminars for health and other professionals specializing in assisting victims of torture can also be financed.

Applications for grants have to be submitted by 31 December for analysis by the secretariat of the Fund. Admissible applications are examined by the Board of Trustees at its annual session in May. The Board adopts recommendations for approval by the High Commissioner for Human Rights on behalf of the Secretary-General. The grants are paid in the July/August period. Beneficiaries are required to provide satisfactory narrative and financial reports on the use of grants by 31 December. Until satisfactory reports on the use of previous grants are received, no new grants can be considered.

For application forms and guidelines, contact the Trust Fund Unit of OSB/OHCHR by fax (41 22) 917 9017 or see <http://www.unhcr.ch/html/menu2/9/vftortur.htm#mandate> for further information.

e. Support for victims of contemporary forms of slavery

On behalf of the Secretary-General, OHCHR also administers the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery with the advice of a Board of Trustees. The fund was established pursuant to General

Assembly resolution 46/122 of 17 December 1991. The purpose is twofold: 1) to assist representatives of non-governmental organizations, from different regions, dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights by providing them with financial assistance (travel grants); and 2) by extending, through established channels of assistance such as NGOs, humanitarian, legal and financial aid, to individuals whose human rights have been severely violated as a result of contemporary forms of slavery (project grants).

According to the criteria established by the General Assembly in its resolution 46/122, the only beneficiaries of the Fund's assistance shall be representatives of non-governmental organizations dealing with issues of contemporary forms of slavery: (a) who are so considered by the Board of Trustees; (b) who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund; (c) who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery; as well as (d) individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

For application forms and guidelines, contact the Trust Fund Unit at SSB/OHCHR on fax (41 22) 917 9017 or for further information also see <http://www.unhcr.ch/html/menu2/9/vfslaver.htm#mandate>

f. The private sector

The increase in the private sector growth rate, the evolving role of Government and economic globalization have led to increased attention being paid to business enterprises as important actors in the human rights domain. In many ways, business decisions can profoundly affect the dignity and rights of individuals and communities. There is emergent interest on the part of the business community to establish benchmarks, promote best practices and adopt codes of conduct. Governments retain the primary responsibility for human rights and it is not a question of asking business to fulfill the role of Government, but of asking business to promote human rights in its own sphere of competence. Corporations responsible for human rights violations must also be held to account.

The relationship between the United Nations and the business community has been growing in a number of important areas and the Secretary-General has called on the business community – individually through firms and collectively through business associations – to adopt, support and enact a set of

core values in the areas of human rights, labour standards and environmental practices. The Secretary-General has asked the relevant United Nations agencies to be ready to assist the private sector in incorporating those values and principles into mission statements and corporate practice. Each agency has the important task of examining the various ways of responding to corporate concerns for human rights.

For further information see: <http://www.un.org/partners/>

4.6 United Nations human rights publications

Human rights publications are strategically important to the promotion of human rights. Publications are aimed at: raising awareness about human rights and fundamental freedoms; raising awareness with regard to the existing ways and means at international level for promoting and protecting human rights and fundamental freedoms; encouraging debate on human rights issues under discussion in the various United Nations organs and bodies; serving as a permanent human rights resource for readers.

Below is a list of available human rights publications issued by OHCHR. Publications are free of charge – *Human Rights Fact Sheets*, *Basic Information Kits on the 50th Anniversary of the Universal Declaration of Human Rights* and certain *ad hoc publications* – and are available from the address below. Their reproduction in languages other than the official United Nations languages is encouraged provided that no changes are made to the contents and that OHCHR is advised by the reproducing organization and given credit as being the source of the material.

Publications issued as United Nations sales publication – the *Professional Training Series*, the *Study Series* and certain reference and ad hoc publications can be ordered from the United Nations Bookshops listed below, with offices in Geneva and New York. United Nations sales publications are protected by copyright.

It is important to note that many other United Nations publications are available through the United Nations bookshop. For a list of other publications relating to human rights, see the website for each United Nations body at annex VI or contact the United Nations bookshops.

For further information about OHCHR human rights publications, see the OHCHR Website at: <http://www.unbcbcr.ch/html/menu6/pubs.htm>

United Nations Sale Publications

For North America, Latin America, Asia and the Pacific Islands:

United Nations Publications
Sales Section, 2 United Nations Plaza
Room DC2-853, Dept. I001
New York, N.Y. 10017 USA
Tel: (212)963-8302; 1(800)253-9646
Fax: (212)963-3489
E-Mail: PUBLICATIONS@UN.ORG

For Europe, Africa, the Middle East:

United Nations Publications
Sales Office and Bookshop,
Avenue de la Paix
CH-1211 Geneva 10, Switzerland
Tel: + 41 22 917 2613: Orders and inquiries
Tel: + 41 22 917 2615: Subscriptions and standing orders
Tel: + 41 22 917 2606: Accounts, Trade inquiries, Orders
Fax: + 41 22 917 0027
E-mail: unpubli@unog.ch

a. OHCHR Human Rights Fact Sheets

The Human Rights Fact Sheets deal with selected questions of human rights under active consideration or are of particular interest. Human Rights Fact Sheets are intended to facilitate better understanding on the part of a growing audience of basic human rights, the United Nations agenda for promoting and protecting them and the international machinery available for realizing those rights.

The Fact Sheets are free of charge and distributed worldwide. Their reproduction in languages other than the official United Nations languages is encouraged, provided that no changes are made to the contents and that OHCHR is advised by the reproducing organization and given the credit for being the source of the material.

Published to date:

- No. 1 Human Rights Machinery (under revision)
- No. 2 (Rev.1) The International Bill of Human Rights
- No. 3 (Rev.1) Advisory Services and Technical Cooperation in the Field of Human Rights
- No. 4 Methods of Combating Torture
- No. 5 Programme of Action for the Second Decade to Combat Racism and Racial Discrimination
- No. 6 (Rev.2) Enforced or Involuntary Disappearances
- No. 7 Communications Procedures (revision is pending)
- No. 8 World Public Information Campaign for Human Rights
- No. 9 (Rev.1) The Rights of Indigenous Peoples
- No. 10 (Rev.1) The Rights of the Child
- No. 11 (Rev.1) Extrajudicial, Summary or Arbitrary Executions
- No. 12 The Committee on the Elimination of Racial Discrimination
- No. 13 International Humanitarian Law and Human Rights
- No. 14 Contemporary Forms of Slavery
- No. 15 Civil and Political Rights: The Human Rights Committee
- No. 16 The Committee on Economic, Social and Cultural Rights
- No. 17 The Committee against Torture
- No. 18 (Rev.1) Minority Rights
- No. 19 National Institutions for the Promotion and Protection of Human Rights
- No. 20 Human Rights and Refugees
- No. 21 The Human Right to Adequate Housing
- No. 22 Discrimination against Women: The Convention and the Committee
- No. 23 Harmful Traditional Practices Affecting the Health of Women and Children
- No. 24 The Rights of Migrant Workers
- No. 25 Forced Evictions and Human Rights

b. Professional Training Series

The Professional Training series consists of handbooks and manuals intended to increase awareness of international standards and are directed at a specific target audience selected for its ability to influence the human rights situation at the national level. Although primarily designed to provide support to the training activities of the Technical Cooperation Programme of the OHCHR, these publications could also serve as practical tools for those organizations involved in human rights education to professional groups.

The training manuals in the Professional Training Series are adaptable to the particular needs and experience of a range of potential audiences within the target group, in terms of culture, education and history. Where appropriate, information on effective pedagogical techniques is included to assist trainers to use the manuals as effectively as possible.

Each manual or handbook is prepared with the assistance of experts in the relevant fields and is subject to extensive external review and appraisal. Where appropriate, manuals or handbooks are tested in training sessions prior to their finalization.

Published to date:

No. 1	Human Rights and Social Work
No. 2	Human Rights and Elections
No. 3	Human Rights and Pre-Trial Detention
No. 4	National Human Rights Institutions
No. 5	Human Rights and Law Enforcement
No.5 (Add1)	International Standards for Law Enforcement

c. Human Rights Studies Series

The Human Rights Study Series reproduces studies and reports on important human rights issues prepared by experts of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-commission on Prevention of Discrimination and Protection of Minorities) in accordance with their mandates.

Published to date:

- | | |
|--------|---|
| No. 1 | Right to Adequate Food as a Human Right |
| No. 2 | Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief |
| No. 3 | Study on the Freedom of the Individual under Law: an Analysis of Article 29 of the Universal Declaration |
| No. 4 | Status of the Individual and Contemporary International Law: Promotion, Protection and Restoration of Human Rights at National, Regional and International Levels |
| No. 5 | Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities |
| No. 6 | Human Rights and Disabled Persons |
| No. 7 | The Right to Adequate Housing |
| No. 8 | Sexual Exploitation of Children |
| No. 9 | Internally Displaced People Compilation and Analysis of Legal Norms |
| No. 10 | Protection of the Heritage of Indigenous Peoples |

d. OHCHR ad hoc publications

The ad hoc publications consist mainly of reports and proceedings of conferences, workshops and other particularly important or innovative events held under the auspices of OHCHR. These publications can be issued free of charge.

Published to date:

- European Workshop on the Universal Declaration of Human Rights: Past-Present-Future Proceedings (Milan, 7-9 September 1988)
- The Administration of Justice and Human Rights for Eastern European Countries. Report of a United Nations Training Course (Moscow, 21-25 November 1988)
- The Teaching of Human Rights: Report of an International Seminar (Geneva, 5-9 December 1988)

- Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States: Report of a Seminar (Geneva, 16-20 January 1989)
- The African Charter on Human and People's Rights (Geneva, 28 July 1989)
- United Nations Training Course on International Norms and Standards in the Field of Human Rights. Summary of the meeting (Moscow, 27 November - 1 December 1989)
- The Realization of the Right to Development: Global Consultation on the Right to Development as a Human Right (Geneva, 8-12 January 1990)
- Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid: Report of a Seminar (Geneva, 10 January - 14 December 1990)
- Workshop on International Human Rights Instruments and Reporting Obligations: Preparation of Reports to United Nations Human Rights Treaty Bodies (Moscow, 26-30 August 1991)
- African Seminar on International human Rights Standards and the Administration of Justice (Cairo, 8-12 July 1992)
- United Nations Workshop for the Asia-Pacific on Human Rights Issues (Jakarta, 26-28 January 1993)
- Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination
- Teaching and Learning about Human Rights: A Manual for Schools of Social Work and the Social Work Profession
- the First Twenty Years: Progress Report of the Committee on the Elimination of Racial Discrimination
- Manual on Human Rights Reporting
- Second Decade to Combat Racism and Racial Discrimination: Global Compilation of National Legislation against Racial Discrimination
- Application of the International Covenant on Civil and Political Rights under the Optional Protocol by the Human Rights Committee
- Report of an International Consultation on AIDS and Human Rights. Summary of Proceedings
- HIV/AIDS and Human Rights: International Guidelines
- ABC: Teaching Human Rights, Practical activities for primary and secondary schools

e. *Publications for the Fiftieth Anniversary of the Universal Declaration of Human Rights: Basic information kits*

The basic information kit series is intended as a working tool for agencies, programmes, non-governmental organizations and national institutions as well as individuals to assist in the commemoration of the 50th Anniversary of the Universal Declaration of Human Rights. Basic information kits are published in French, English and Spanish and are distributed throughout the world free of charge.

Published to date:

No. 1	1998: Fiftieth Anniversary of the Universal Declaration of Human Rights
No. 2	Women's Rights the Responsibility of All
No. 3	Children's Rights: Creating a Culture of Human Rights
No. 4	Human Rights Education: Lessons for Life

f. *Reference material*

OHCHR reference publications are directed to a more specialized audience and often consist of collections or compilations of international instruments. They are issued as United Nations sales publications.

Published to date:

- Human Rights Bibliography, 5 vols
- Human Rights: A Compilation of International Instruments (vol I parts I and II)
- Human Rights: A Compilation of International Instruments; Regional Instruments (vol II)
- Human Rights: Status of International Instruments
- Human Rights: International Instruments; Chart of Ratification as at 31 December 1997
- United Nations Action in the Field of Human Rights
- United Nations Reference Guide in the Field of Human Rights
- Official Records of the Human Rights Committee
- The United Nations and Human Rights 1945–1995
- CD Rom Bibliographical References and International Instruments