

Synopsis of Office of the High Commissioner on Human Rights (OHCHR) Plan of Action: protection and empowerment

“Our objective must be to help bridge the gap between the lofty rhetoric of human rights in the halls of the United Nations, and its sobering realities on the ground”

Louise Arbour, UN High Commissioner for Human Rights

Since the inception of the United Nations (UN) in 1945, the world has undergone profound changes. A sharp increase in the number of people living in poverty and hunger, casualties in civil war, genocide and outbreak of diseases and epidemics has left the UN with a mammoth task of bringing a semblance of order into the society today.

While on one hand the UN finds itself wanting to tackle problems like meeting the target of Millennium Development Goals's and increasing security threats owing to terrorism and ethnic wars, on the other hand it finds itself incapable to protect and promote human rights across the globe. Corruption within its own office and recent sex scandals besieging its peacekeeping operations has brought in further disrepute to the organisation. The need for reform within the UN has never been more compelling.

Not surprisingly, Secretary General Kofi Annan in his address to the General Assembly titled 'In Larger Freedom' underlined the need for development, security and most importantly respect for human rights and rule of law. He highlighted that while freedom from want and fear are essential targets, they are also means to an end but not an end in themselves. The central maxim as stated by him was 'protection and promotion of the universal values of the rule of law, human rights and democracy are ends in themselves and are essential for a world for justice, opportunity and justice and that no security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity.'

The Plan of Action for the Office of the High Commissioner on Human Rights (OHCHR) as envisaged in the report put forward a strategic vision for OHCHR with greater and more active participation of the High Commissioner on the deliberations of the Security Council and of the proposed Peace Building Commission. It also calls on the High Commissioner and the office to be more involved in the whole spectrum of United Nations activities. As a response to the Secretary General's report the High Commissioner on Human Rights recently came out with its own plan of action to strengthen, revamp and rejuvenate its own body.

The plan among other things calls for strengthening the profile and capacity as well as adopting new approaches, improving its planning and management and significantly expanding its resources. It therefore has outlined a set of goals, various tools to be employed and the changes and resources that will be required for its implementation. The plan underlines two basic human rights challenges that confronts OHCHR; those concerning human rights arising from general situations like poverty, inequality, discrimination and second the implementation challenge that poses more concrete obstacles to the protection of human rights. The OHCHR therefore has identified two

goals that is protection and empowerment that would be pursued through greater engagement with the countries to address the implementation challenge; exercising leadership; to proactively identify problems and propose solutions and building partnerships inside and outside the UN.

GREATER COUNTRY ENGAGEMENT: One of the major area of focus would be through greater dialogue and engagement with countries through an increase in country focused staff and expertise, an increase in operational deployment at country and regional levels and better integration among all relevant parts of OHCHR.

For the moment the organisation has insufficient capacity at headquarters and in the field to pursue a sufficient programme of country engagement. Deployment in countries and regions will give OHCHR, its greatest impact potential, building institutional capability and trust and thereby creating stronger relationships with government and civil society. A stronger presence in countries and regions would also enhance the usefulness of treaty bodies as it can better encourage and assist greater engagement in the reporting process , It will also allow to facilitate implementation of recommendations of treaty bodies within the country.

Moreover technical cooperation projects should not be seen or used in isolation but as part of an overall country engagement strategy for experience has shown that assistance to projects are most effective when the staff is present in the country and with sufficient numbers. This is true especially where the project forms part of a strategy of long-term engagement agreed upon by the Government, involving a full programme of OHCHR work. The plan also suggests that working with a range of national actors, including the civil society, helps to ensure the sustainability and accountability of projects. In working closely with United Nations agencies and donors, OHCHR can act as a catalyst for needed reforms, also by sharing its independent needs assessments.

In order to meet growing needs and demands and in realising strategies, the OHCHR seeks to consolidate and strengthen existing expertise and in developing capacities in additional areas to meet current human rights challenges. The areas of focus include Human rights law, policy and institutions; Human rights methodologies; Anti-discrimination and special groups; Rule of law and democracy and Human rights based approaches to various issues. This is so because it was felt that the OHCHR and many others involved in human rights activities have invested the majority of research efforts in cataloguing and describing human rights problems rather than in proposing human rights solutions. Also too little attention has been given to identifying trends that will have future impact on human rights.

Substantial existing research capacity in OHCHR is devoted to preparing studies and reports for United Nations human rights bodies, many of which by their nature are of little practical value, or in any case are not always put to good use. But far the most important increased country engagement would be to strengthen the research capacity of the office and increasingly rely on its own initiative to identify priority human rights issues for analysis. The aim will be to bring forward practical suggestions for addressing

the knowledge gap and other human rights problems. One way to do so is through freeing up existing research capacity. The discussion on a new human rights council or a reformed Commission on human rights provides an excellent opportunity to rationalise the studies, reports and notes that it is asked to produce. The OHCHR will rely on close collaboration with the many and diverse academic and research institutes worldwide, including in the United Nations system, and will seek to build collaborative processes with Governments, civil society groups and all concerned actors to address the knowledge gap.

EXERCISING LEADERSHIP: The second action plan to address the two challenges would be met through exercising leadership role through greater and increased engagement with the countries. It feels that the OHCHR must be active at a global level, shaping and contributing to the international debate on issues relevant to the protection of human rights. In order to help turn these pledges into reality, OHCHR will considerably enhance its work in this area by establishing a unit dedicated to working on the Millennium Development Goals. It will also seek to engage in global discussions to ensure that due attention is paid to human rights, both in the *process* and in the *outcomes* of the implementation of the Goals as well as protecting ECOSOC Rights.

The OHCHR also needs to increase its capacity to contribute expert legal and policy input on human rights matters to conflict resolution efforts. Increasingly, OHCHR is called upon to assist countries emerging from conflict and periods of widespread abuse, including through procedures to uncover the truth about what happened, to investigate and verify massive human rights violations, to vet public officials, and to reform and rehabilitate the justice system. To these ends, OHCHR will increase efforts with a host of partners, pursuing complementary action within peace missions, United Nations Country Teams, United Nations Headquarters-based policy and coordination bodies. It also feels that its office needs to increase efforts to assist countries to adopt laws and build institutions necessary to give effect to international standards. OHCHR would also research and publish on an annual basis a thematic Global Human Rights Report. This will be an important policy and advocacy tool, through which it will be able to identify, analyse and build support for priority human rights issues, point to both positive and negative trends affecting human rights, and highlight successful policies.

It will be a vehicle to promote human rights, to spearhead new thinking and approaches and to bring to light diverse efforts to achieve human rights. OHCHR also feels that it will not be successful in pursuing its goals and strategies unless it is able to communicate them effectively. As OHCHR concentrates on implementation – when the emphasis is on improving people’s enjoyment of human rights – there is a need for a much more vigorous communications strategy. Such a strategy will be essential to improve overall knowledge of human rights and to create support for the work of the United Nations and of OHCHR in this area. It will also allow OHCHR to engage more effectively to build public support for human rights principles. This will require a more proactive engagement with the media, and more accessible and targeted dissemination through printed and web-based media.

WORKING WITH HUMAN RIGHTS BODIES: The third action plan to pursue the goal of protection and empowerment relates to working with the Human Rights Bodies that is Commission on Human Rights, Treaty Bodies and Special Procedures. The OHCHR feels that strengthening these bodies and working more closely together with them will ensure a more effective overall effort to address implementation gaps. It is suggested that the Commission on Human Rights be replaced by Human Rights Council for the present system as it is agreed that the country scrutiny in the Commission is unsatisfactory. There is a need for country scrutiny to be exercised through a system of peer review, whether in a new Human Rights Council or a reformed Commission on Human Rights.

There is a concern that this system should be built on the principle of universal scrutiny, whereby all States submit to a review of law and practice concerning their human rights obligations. For such a system to be credible and to gain the confidence of all, it will be essential that a fair and transparent method be developed to compile information upon which to base the peer review. As the Secretary-General has emphasised, a new human rights council should also continue the practice of the Commission regarding access for non-governmental organisations and preserve the independent role of the special procedures. Secondly there is a large degree of consensus on the basic defects of the Treaty Bodies. States find it arduous to report separately to different treaty bodies, often on very similar or overlapping issues (though agreement on an expanded core document would reduce this burden). Reports are delayed or, when submitted, are often inadequate, and there is insufficient time to consider them.

The concluding observations adopted by the treaty bodies often lack the precision needed to guide reform efforts, and are too often given insufficient attention by States. Human rights treaties work on a shoestring budget. A considerably enhanced programme of country engagement would assist in ensuring that the treaty body review process is better supported, and is more relevant to processes of human rights reform at the national level. Geographic desks and staff deployed in the field can work with Governments and other stakeholders to engage in the reporting process, and follow up on the recommendations made by treaty bodies and decisions on individual complaints. Also it was suggested that a unified treaty body system would only be possible if all committees were able to function in partnership, which presupposes that they are supported in their various mandates by the same office. The Committee on the Elimination of Discrimination against Women (CEDAW), the treaty body monitoring the Convention on the Elimination of All Forms of Discrimination against Women, is the only human rights treaty not supported by OHCHR. CEDAW is supported by the Division for the Advancement of Women. It would seem an opportune moment to consider transferring responsibility for supporting CEDAW to OHCHR. Lastly in case of Special Procedures the various rapporteurs, working groups and experts appointed by the Commission on Human Rights are an essential element of the efforts undertaken by the United Nations to protect human rights.

At the same time, increasing politicisation in the Commission affects the special procedures. Acrimonious debates often precede the establishment or renewal of

mandates, undermining the credibility of the procedure. Coordinating the work of the rapporteurs becomes more difficult as the number of mandates rise quite rapidly in recent years. There is very little follow-up, however, to these reports and communications, and the rapporteurs themselves (who serve in a volunteer, part-time capacity) are not in a position to follow up, especially on individual cases. Strengthened geographic desks and a focus on country engagement should allow OHCHR to give greater support to the special procedures, including when they seek follow-up on their recommendations or on individual cases. One important aspect of support will be to ensure country visits are adequately prepared.

UN AGENCIES AND CIVIL SOCIETY: The fourth plan relates to the working with United Nations agencies and civil society. This is because the community interested in human rights is growing rapidly, including activists, scholars and diverse range of civil society representatives, professional associations, and members of parliament. At the international level, there is growing interest in human rights principles in development agencies, international think tanks, and, through mainstreaming, in all areas of the United Nations system. A strong civil society should be able to operate freely, adequately knowledgeable and skilled with regard to human rights protection at the national level. This would be fully in line with the recommendations made in the *Cardoso Panel* report that civil society be more meaningfully engaged in the work of the United Nations. OHCHR must also draw on the considerable and increasing academic interest in human rights issues, as well as practical policy work being done by NGOs and governmental institutes. Indeed, both empirical and conceptual research that is being undertaken can greatly assist in addressing implementation gaps, and we must draw on this outside expertise. To this end the OHCHR would create a specific senior civil society support function to ensure leadership on this issue in OHCHR. The *good offices* function of the High Commissioner can also provide important support for these groups.

BUILDING OHCHR CAPACITY: Lastly in order to reform the OHCHR, the organisation has to build its capacity through better management, administration and planning through adequate staffing having both technical and managerial skills with long term contracts and better linkages between field presence and headquarters. Moreover the location of OHCHR away from headquarters creates obstacles for ensuring human rights issues that are at the core of the organisations' work. Most UN departments and agencies are headquartered in New York. Also the whole plan of action will remain largely on paper without a significant increase in resources, including a greater proportion of the regular budget and additional extra-budgetary support. At present, the human rights programme receives only 1.8 per cent of the United Nations budget. The bulk of OHCHR resources, including for key activity requested by United Nations bodies, are therefore in the form of extra-budgetary contributions. Therefore OHCHR will need to double its overall resources over the next five to six years.

Sources:

1. <http://www.un.org/reform/>
2. <http://www.ohchr.org/english/planaction.pdf>
3. <http://www.un.org/largerfreedom/>

