



The Relevance of UNHRC

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In this article, we bring out the various concerns and issues related to UNHRC in the backdrop of US withdrawal from it.

The United Nations Human Rights Council (UNHRC) was founded in 2006 as a substitute to UN Commission on Human Rights which was being continuously abashed for having states with notorious records of human right violation as its members. 12 years later, the UNHRC is seemingly meeting with the same fate as it has members like Saudi Arabia, Pakistan and Philippines on its board and is accused of keeping mum on grave issues like Russian occupation of Ukraine, human rights violation in Cuba among others. Recently, one of the founding members of the commission, US withdrew from UNHRC citing its ineffectiveness and bias.

In this context, it is important that we take a look at the viability of this body in the upkeep of human rights in the world.

The Mandate and Functioning

- The United Nations Human Rights Council (UNHRC) is a United Nations body whose mission is **to promote and protect human rights around the world.**
- The UNHRC has **47 members** elected for staggered three-year terms on a regional group basis from 5 groups.
- To become a member, a country must receive the votes of at least 96 of the 191 states of the UN General Assembly (an absolute majority).
- The members are elected for a period of **three years**, with a maximum of two consecutive terms.
- In electing Council members, the resolution provides that General Assembly members “shall take into account the candidates’ contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.”

- The UNHRC holds **regular sessions** three times a year, in March, June, and September.

Universal Periodic Review:

The Universal periodic review (UPR) mechanism reviews all 192 UN member states every four years to "ensure universality of coverage and equal treatment of all Member States."

Special Procedure :

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social.

Special Rapporteur:

The titles Special Rapporteur, Independent Expert, and Working Group Member are given to individuals working on behalf of the United Nations (UN) within the scope of "special procedure" mechanisms.

The Challenges

- Many members of the UN are themselves **systematic human right offenders**. They're in leading roles and are on paper — charged with "upholding the highest standards" of human rights.
- The council ignores **the worst cases of human rights abuses** in favour of "softer" topics like the elderly, children and the disabled. The detention of political opposition in Cuba, destruction of civil society in Venezuela have not been questioned in UNHRC. The stand taken by HRC on Libya and Syria is also insufficient.
- **Bias against Israel**- Among its ten standing agenda items, the Council has continued a permanent item on Israel's human rights behaviour in the Occupied Palestinian Territories (OPT), which is considered to be unfair to Israel.
- **Effectiveness**- It occasionally prioritises pet projects over common concerns and fails to follow through on the implementation of its own decisions and recommendations. Much of what is debated in the council hardly takes any enforceable form.
- **Confusion between OHCHR and HRC and their mandates**- The Office of the United Nations High Commissioner for Human Rights (OHCHR) is often confused with the HRC. It is a separate institution which presents reports independent of the HRC, the recent report on Kashmir being an example. The conflation of the HRC and the OHCHR is incorrect and confuses their separate mandate and functions.

- **Intrusion into the sovereignty of the states-** It has been a challenge for UNHCR to advocate for human rights and not interfere with the sovereignty of the states. Many recommendations of the Special rapporteur of UNHCR are discarded on this basis, solely.

The Role

UNHRC has played the role of a political platform which aims to ensure that the human rights remain a top priority within the UN.

- **Global reach-** UNHRC has a wide mandate which facilitates it to respond to human rights cases across the globe. In doing so, it also brings the members of civil society together for voicing concerns related to human rights in their respective local regions.
- **Special Procedures-** Special Procedures of UNHRC are a universal source of knowledge on human rights themes and country-specific conditions which helps to improve the understanding of human rights law.
- **Universal Periodic Review-** The Universal Periodic Review motivates nation-level dialogues on human rights, and also mandates that every UN member state examines human rights on a regular basis. It ensures transparency and accountability in the functioning of UNHCR.
- **Condemning the violations-** In the recent past, the resolutions adopted by the UNHRC have highlighted and condemned distinctive violations despite the efforts to the contrary by some members of the HRC. For example, in the midst of the Arab Spring, the Human Rights Council voted unanimously to suspend Libya's membership. More recently, the Council did not permit Syria to bid for a seat on grounds of human rights violations and appointed an investigation there.
- **Issue-based coalitions-** There is an increasing number of countries from all parts of the world which have started working together to further the human rights, irrespective of their shared history and regional politics. The regional bloc voting practices have become the matter of the past and considered discussion along with collective action is becoming possible.
- **Controversial subject areas-** Controversial subject areas have also been addressed at the HRC, including LGBTIQ rights and religious discrimination. South Africa's efforts to acknowledge the rights of LGBTIQ faced strong opposition from neighbouring countries but it was supported by far-away countries like Brazil, Colombia, the United States, and many others.
- **Role of special rapporteurs-** The experts' mandates (Special Rapporteurs) recommended by UNHRC have resulted into manifested actions on problems ranging from combating torture in Jordan to protecting journalists in Cambodia, decriminalizing blasphemy in the United Kingdom and reducing prison sentences in China.

The Background of US Withdrawal

- **The US witnessing a decline in human rights record:** The UNHCR reports have highlighted various issues regarding the current policies like separation of families at Mexican border or various violations of human rights committed in the course of the War on Terror.
- **Israel bias:** The US has accused UNHRC of imposing a disproportionate number of resolutions against Israel as compared to other human rights violators.
- **Protectionism:** The US government, in recent times, is seen to be bent more towards moving away from many platforms of international cooperation like Trans-Pacific Partnership or Global Compact on Migration.

Impact on India

- A recent report by UNHCR on Kashmir, although talking of both sides of the LoC, focuses mainly on serious violations in Jammu and Kashmir. India has rejected the report terming it "fallacious, tendentious and motivated", questioning its intent in bringing out a selective compilation of largely unverified information to build a false narrative.
- It is being speculated that in the wake of this report and the US withdrawal from UNHCR, it may set a precedent for India to pull itself out of UNHCR.

Way Forward

- **More emphasis on general issues needed-** The effort that goes into some country-specific resolutions might be better invested in other ways. More attention should be given to addressing visibly deteriorating human rights situations before they become chronic or crises.
- **Focus on thematic issues-** It is important that HRC formulates necessary regulation on themes such as biotechnology, administration of justice, healthcare, and artificial intelligence, which have significant human rights implications.
- **Ensuring effectiveness-** More needs to be done to ensure that the processes at UNHRC produce more substantial outcomes. For this, it is important that the members and observers invest greater effort in connecting HRC work with that in other parts of the UN system and implementing it at the national level. The periods between Council sessions could be used for sustained efforts to achieve more durable outcomes on challenging issue
- **Less politicised and more practical exchanges-** The HRC's momentous resolution on combating intolerance on the basis of religion gave rise to the Istanbul Process, which embodies such an approach and can serve as a model for addressing other similarly challenging issues.

In this scenario, it is important that states make an effort to robust the UNHRC and come together for deliberations regarding the scope for reform of this institution of global importance. The idea of forsaking it or democratic states walking away from it would be a betrayal of those who are or might one day be, the target of oppression and violence. These people rely on the protection the UN might offer, however imperfect, and rely even more on those committed to human rights to work within the UN to strengthen that protection and make it truly universal.