Repositioning the Human Rights Council as a principal organ of the UN

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By Joachim Rücker, former President of the UN Human Rights Council and German Ambassador to the UN in Geneva. This article reflects the author’s personal views.

Repositioning the Human Rights Council as a principal organ of the UN has the potential to elevate the status and influence of human rights within the UN and worldwide, writes former Council President Joachim Rücker.

In 1948, the UN Charter recognised human rights, development, and peace and security as three separate but equal and inter-related pillars of the UN. The promise and principles of the Charter, however, were not fully reflected in the architecture of the UN, with the Commission on Human Rights and its successor Human Rights Council established only as subsidiary bodies. Almost 70 years on, and on the occasion of the tenth anniversary of the UN Human Rights Council (the Council), the time has come to modernise this architecture by committing to establishing the Council as a principal organ of the UN by 2021. This would serve to elevate the status of the Council and its ability to positively influence the promotion, protection and realisation of human rights within the UN and worldwide.

Over its first decade, the Human Rights Council, the UN’s main political body dedicated to human rights, has played an increasingly important and influential role in promoting and protecting human rights, including by contributing to the protection of rights holders, the prevention of violations, and by promoting accountability for perpetrators and justice for victims. There is ample room for further improvement and development of course, but the growth trajectory of the Council now leads it towards the tipping point of institutional readiness to take its place as a principal organ of the UN system.

Three key benefits: mainstreaming, enhanced political value, and clarifying institutional autonomy

The key benefits of repositioning the Human Rights Council as a principal organ of the UN would be: promoting and mainstreaming human rights as a genuine and equal pillar within the UN system; enhancing the status of the Council in such a way as to enhance its political influence and capacity to fulfil its mandate; and clarifying and entrenching its institutional autonomy.

Mainstream human rights as a genuine and equal pillar of the UN system
The establishment of the Council as a principal organ would contribute substantially to the recognition of human rights as a genuine and equal pillar, together with development, and peace and security, while also assisting to mainstream human rights across the entire UN system. This is consistent with, and would reinforce, such initiatives as Rights Up Front and the Sustainable Development Goals; the former recognising that promoting and protecting human rights is vital to securing and maintaining peace and security, and the latter recognising that respect for human rights is crucial for sustainable development and ensuring that no-one is left behind.

Enhanced political net value and overall influence

As a principal organ of the UN, the Human Rights Council would be better placed to further drive change and close the implementation gap in places where it is most needed. It would enhance the legitimacy, application and more critically, the impact of its outputs. It would also provide a more powerful platform to rights holders, victims and human rights defenders, ensuring that their vital voices are heard worldwide.

Repositioning of the Council as the critical third pillar of the UN system would also promote its value as a political institution. If progress is to be made on human rights, we need to increase the political recognition and rewards associated with compliance and implementation, and the political costs and consequences associated with lack of implementation or with outright violations.

Clarify and entrench institutional autonomy

In his 2005 report: ‘In Larger Freedom: Towards Security, Development and Human Rights for All’, former Secretary-General Kofi Annan explained that:

‘Establishing the Human Rights Council as a principal body of the United Nations would allow it to stand as a peer alongside both the Security Council and the Economic and Social Council and would require an amendment to the Charter. Establishing the Council as a subsidiary body of the General Assembly would not require an amendment to the Charter.’

Ultimately, the decision was taken for the Human Rights Council to be established as a subsidiary body of the UN General Assembly, reporting annually back to the GA. While politically expedient, this has created certain roadblocks for the UN’s rights protection role, such as when the GA sought to delay implementation of a critical and duly adopted resolution of the Council on the prevention of intimidation and reprisals, resolution 24/24. In my view, the Council must have the ability and autonomy to adopt, promote implementation and follow up on all resolutions and decisions on human rights. Entrenching the Human Rights Council as a principal organ of the UN system would help clarify this and realise former Secretary-General Kofi Annan’s original vision for the creation of a Human Rights Council offering ‘architectural and conceptual clarity, since the United Nations already has Councils that deal with two other main purposes – security and development.’

Towards a principal organ of the UN

Those of us who recognise human rights as a critical element of not only domestic but also foreign policy must join efforts to ensure the UN architecture reflects this priority. The next logical step in the institutional evolution of the Council is to properly recognise and integrate it as a principal organ of the UN. This would also enhance the scope for the Council to offer an accessible, effective and protective space for human rights defenders and civil society.

Ten years of achievement by the Human Rights Council supports our collective aspirations for its evolution, growth, standing and impact throughout the UN system. The optimal path to achieve this is to reposition it as a principal organ of the UN.

Joachim Rücker is Germany’s Ambassador to the UN in Geneva and was President of the UN Human Rights Council in 2015. The views expressed are his own.