

Introduction

The UN's Record in the Field of Human Rights

For over five decades, the United Nations has been actively engaged in the promotion and protection of human rights. The first concrete result of its work was the adoption, on December 9, 1948, of the first multilateral human rights treaty, the Convention on the Prevention and Punishment of the Crime of Genocide. The following day, the General Assembly adopted the Universal Declaration of Human Rights (UDHR), which has become the cornerstone of the international protection system. The first two decades of UN action were devoted almost exclusively to the promotion and elaboration of international human rights standards. There currently exist close to one hundred treaties that form the corpus of international human rights law, most of them elaborated under the aegis of the UN. At the core of this body of law are the two International Covenants, the first on economic, social and cultural rights, and the second on civil and political rights, which represent the elaboration and codification of the rights set out in the UDHR.

Beginning in the late 1960's, when the two covenants were adopted, the UN cautiously began to move into the area of protection, initially by doing in-depth studies of situations where gross violations of human rights were alleged to be occurring. Over the next three decades, the UN developed an elaborate set of procedures and mechanisms for monitoring and taking action with respect to human rights violations. In the Commission on Human Rights (CHR) — the inter-governmental body constituted in 1946 as one of the functional commissions of the UN Economic and Social Council — violations were discussed under either the confidential 1503 procedure, or under the public 1235 procedure whereby the CHR gave annual consideration to the question of violations of human rights and fundamental freedoms. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, an expert body established by the CHR in 1947, supplemented the work of the Commission. The 1980s saw the establishment of a series of mechanisms, which included country-specific or thematic Working Groups, Special Rapporteurs, Special Representatives, or Independent Experts with mandates to monitor compliance by governments and to protect victims (or potential victims) of human rights abuses. These mechanisms began to generate annual reports on countries in crisis or on such critical problems as disappearances, torture, extrajudicial execution, arbitrary detention, freedom of expression, freedom of religion, the sale of children, or violence against women.

Parallel to this has been another development: since 1976, when the two international Covenants gained enough ratifications to enter into force, the treaty-body system came into being. There are now six international human rights treaties (the two international Covenants and the Conventions on the elimination of racial discrimination, the elimination of discrimination against women, torture, and the rights of the child) which have created expert bodies to which States Parties are required to periodically report. Specifically, governments are required to present written reports to these treaty bodies and then to dialogue with the experts on measures they have taken to implement the provisions of the treaty, as well as obstacles they face in this regard. In addition, three of the above-mentioned treaties — on civil and political rights, racial discrimination and torture — provided that States Parties may recognize the competence of the treaty body to receive communications from, and act with respect to, citizens alleging violations of their human rights (as elaborated in that treaty) by their governments. In some cases, the treaty bodies (sometimes in conjunction with the Special Rapporteurs of the Commission on Human Rights) have also developed an urgent action response mechanism when alerted to individuals at risk (e.g., of torture, execution, arbitrary detention, etc.)

Most recently, since the establishment of the Office of the High Commissioner for Human Rights in 1994, we have also seen UN field missions or field presences actively engaged in human rights monitoring in countries such as Rwanda, the former Yugoslavia, Haiti and Cambodia. Supplementing this has been the provision of technical assistance to governments in the area of human rights, in law reform, in training the police and the judiciary in human rights standards, or in strengthening civil society institutions.

Finally, since the Vienna World Conference on Human Rights in June 1993 — when a consensus was forged reaffirming the basic principles set out in the Universal Declaration of Human Rights, acknowledging that “the promotion and protection of all human rights is a legitimate concern of the international community”, and emphasizing that “all human rights are universal, indivisible and interdependent and interrelated” there has been a concerted effort to begin a process of integrating human rights into the work of all UN bodies and throughout the UN system.