



Establishing the Human Rights Council and the Advisory Committee.

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Abstract

The article aims to highlight the growing role of international non-governmental administrations in the field of human rights and fundamental liberties, which has garnered significant attention from these organizations. Additionally, human rights issues receive considerable local and international attention as a key measure of democratic values in political systems. Non-governmental organizations have also gained international recognition for their efforts and strategies in exposing human rights violations by states.

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Introduction

The intercontinental community has witnessed the evolution of human rights through international organizations, particularly during the era between the formation of the League of Nations and the UN. A range of factors and developments have contributed to transforming human rights and vital freedoms into a central issue of global concern for states. This international attention reached its peak with states committing to international legal agreements that obligate them to guarantee the respect of human rights within their borders.

A limited set of rights and freedoms has emerged that all countries must respect, regardless of the nationality of individuals, whether they are citizens or foreigners. However, the means and mechanisms known in traditional international law for protecting human rights, especially with respect to minorities or specific groups within certain countries, face challenges that affect their effectiveness.

The UN Charter has become the cornerstone of international legal organization for ensuring human rights. The Charter's provisions related to human rights legally obligate states to respect these rights. Although these principles are general, they reflect a genuine evolution in the role that states have begun to play in this field.

The first search: establishing the Human Rights Council

Upholding respect for fundamental freedoms and international human rights for everyone on the planet equally is the Council's mission. It consists of 47 member states that are chosen based on their home areas to serve overlapping three-year terms in office. The headquarters of the World Trade Organization are in Geneva, which is located in Switzerland.

The Council's mandate includes investigating individual complaints against member states for allegedly violating human rights or failing to uphold their obligations and duties in the safeguarding of human rights. Complaints that concern to women's rights, persons of various gender identities, people of color and association are included in this category.

It was on March 15, 2006 that the United States General Assembly founded the Council in order to replace the Human Rights Commission, which had been under criticism due to the fact that its member states had a disgraceful record of human rights violations. The Council is an active participant in UN special proceedings and collaborates with other UN agencies.

Section One: General Structure

There are 47 members of the UN General Assembly that make up the Human Rights Council (HRC). Each member serves for a period of three years after being elected to their position. When it comes to holding office, no country is allowed to do so for more than two consecutive period terms. Here is how the 47 seats are shared among the various regional groups that make up the United Nations: There are now 13 seats reserved for African countries, 13 seats reserved for Asian and Pacific nations, 6 seats reserved for Eastern European nations, 8 seats reserved for Latin American and Caribbean nations, and 7 seats reserved for Western European and Other nations. There were 53 individuals that were a part of the previous council, which was selected via a vote process by the members of the Council.

According to the terms of the membership agreement, the GA has the ability to revoke the rights and benefits of any member state that has been found to have repeatedly or at any point during its membership committed egregious human rights violations. The General Assembly must vote on this resolution with a minimum of two thirds of the members present. According to the resolution that established them, member states are required to consider the applicants' track record of advancing and defending human rights as well as their volunteer endeavors. The applicants must also uphold the highest moral standards while performing their duties in the protection and advancement of human rights.

Section Two: Sessions and Membership

The three regular meetings of the UN HRC take place in March, June, and September each year. In the event that at least one-third of its member nations request it, the Council may also call an emergency meeting at any moment to address human rights violations and associated emergencies. They also said that the Council was authorized to call 28 extraordinary sessions as of May 2020. The 47 members of the GA of the UN who make up the Council are chosen for non-renewable three-year terms based on the UN area classification. Members are not limited to two terms in office; they may be nominated for further terms.

The sharing of seats is as follows:

- There are thirteen seats assigned to African countries.
- Thirteen Members for the Asia-Pacific Location could be seated.
- 6 seats for all the states of Eastern Europe.
- 8 seats representing Latin American and Caribbean countries.
- 7 seats for the countries of Western Europe and other States at Large.

The directly responsible subsidiary bodies comprise:

- Its structure is the Working Group on the UPR.

This essay will examine the UPR, one of the fundamentally important elements of the Human Rights Council. This process takes into account the situation in each nation for 2.5 hours and is based on papers that are accessible inside as well as submissions from other ministries and non-governmental

organizations. UPR was conducted in three cycles: the first, from 2008 to 2011, the second, from 2012 to 2016, and the third, which began in 2017 and is anticipated to conclude in 2021.

"The Council shall review and evaluate its work five years after the designation of this Council," reads the GA resolution creating the HRC. An intergovernmental working group, established by resolution 12/1 of October 1, 2009, conducted this review. The evaluation was completed in March 2011 and the "outcomes" were approved by the Council in resolution 16/21 during its sixteenth session.

First Cycle: The GA Resolution 60/251 listed some of these terms and procedures as follows:

- Reviews should take place every 4 years; that is, 48 countries annually. As such, all the 193 member states of the UN have to go through this review, which they did between 2008 and 2011.
- This review must follow the legal principle of universality and non-discrimination.
- According to the rules formulated in the Council, all members are under review during their term, but the oldest members are reviewed first.
- The choice of countries to be reviewed must be in accordance to the principle of geographical distribution.
- To bring about complete geographical distribution, member states and observer states will be selected randomly from each regional group while the subsequent reviews will be done according to the alphabetical order.

Second Cycle: The following was changed in relation to the HRC Resolution 16/21:

- The review period spans 4 and a half years in the case of 42 developing countries on a yearly basis. This means that UN member states must go through this review between the year 2012 and 2016.
- The review order stays the same as defined in the first cycle.
- The duration of each review has been prolonged from 3 hours to three and half hours long.
- The second cycle and the subsequent reviews pay most attention to how the recommendations are being addressed.

These kinds of frameworks are also used by other groups including the ILO, the Council of Europe, the WTO, the OSA, and the IMF.

Apart from the periodic reports on human rights policies submitted by the triennial ones since 1956, the Council is recognized for its focus on the Universal Periodic Review, which is considered a rather novel idea in this domain. Additionally, it ends discrimination that was practiced, denounced, and had an effect on the HRC's activities. The safeguarding of human rights as people's inalienable rights is another crucial component of this system.

The second requirement: the advisory committee

The Subcommittee on the Protection of Human Rights was a significant subcommittee of the Human Rights Committee. The principal objective of the 26-person human rights commission was to study prejudice and draft legislation to safeguard racial and language minorities. Later, in 2006, the newly established HRC took over the functions formerly held by the Sub-Committee. The Sub-Committee met for the last time in August 2006 and was assigned a one-year mandate that ended in June 2007. This occurred at the Subcommittee's most recent meeting, whereby it was recommended that a Human Rights Advisory Committee be established to provide guidance to the UN Human Rights Council.

The following 18 individuals were appointed to the Advisory Committee by the HRC in September 2007: Eleven people represent Africa, five the Asia-Pacific region, three the Americas, three the Western Hemisphere, and two the Eastern Hemisphere.

Section One: Complaint Procedure

The UN Human Rights Council's internal complaint process was created by Resolution 5/1, issued on June 18, 2007. This procedure is designed to solve egregious and persistent violations of freedoms in a particular place and at a given moment.

To address these concerns, the Council formed two working categories. The five-person WGC is comprised of representatives from different regions, with each member selected by the Advisory Committee. A three-year renewable term has been assigned to each of these experts. They must also decide if the complaint requires more investigation and, if so, inform the WGS. The WGC is comprised of five individuals selected from the geographic groups among the Council members. They are renewable for another year. This group meets for five workdays every two years to go over all the documents sent by the Working Group on Communications, the responses from the states, and anything else that has been brought up in the UN Human Rights Council.

Following its monitoring of severe and persistent violations of basic freedoms and human rights abuses, the WG on Situations shall submit its recommendations for further actions to the HRC.

Section Two: Submitting a complaint

Here's the translation:

The WGC is responsible for evaluating both concerns and approvals regarding communication. Additionally, it must be in written form, and it cannot be a complaint of any kind that originates from an anonymous identity. When seen from the perspective of the UN Human Rights Council, they can be considered a severe breach of human rights rights.

A complaint can be mad against any country and may be lodged at any time with or without the ratification of a specific convention Making of a complaint does not make it public unless the complainer decides to do so. To file a complaint, the complainant engages with the HRC at one point or the other in the process of the complaint. According to paragraph 86 in HRC Resolution 5/1, the procedure is victim-centered and paragraph 106 mandates that complaint procedures should provide the complainant with information regarding key steps. Working Group on Communication may demand more details from the complainant or the third party involved.

Following the first history taking, the concerned state is required to avail any information within a period of three months. The Working Group then responds by presenting a report to the HRC pertaining to the situation stated in the complaint; usually in a resolution or a decision format. The Council must determine the measures to be taken privately, if advisable, at least once a year. Normally, the time taken by the Council to act on the evaluated complaint and the time it takes for it to publish the complaint should take up to 24 months. It is important for anyone or any parties that want to lodge a complaint to do it privately.

To be accepted, complaints must:

- Language requirements: Arabic, Russian, French, Chinese, English, or Spanish, or any combination thereof.
- State the facts that support the allegations, such as the names of the alleged victims, dates, places, and other specifics, and do not go beyond the word count specified above.
- Be free of explicit political motives.
- Not rely solely on media reports.
- Not have already been addressed by a UN special process or other UN body or a similar regional human rights procedure, unless it has been shown that domestic remedies are ineffective or unreasonably prolonged.
- Avoid offensive or insulting language.

Here's the translation:

It is impossible to tell whose complaints have been handled and how successful the method is because of the confidential nature of the proceedings. Examples include the inability to reevaluate matters that have already been handled by other UN processes or comparable regional organizations. As of 2014, the public has been able to access the Complaints Procedure section of the HRC website, which lists all cases referred to the Council since 2006. However, this section only gives limited details about the cases processed, such as the 2012 case involving Iraqi labor unions and human rights defenders, for which the HRC chose not to publish details.

Cases reported to the UN Human Rights Council under the Complaints Procedure are available on the organization's website beginning in 2006. However, this roster is somewhat young (released in 2014) and seldom includes details on incidents that occurred in other nations that are of significance. On occasion, the amount of information that might be disclosed is somewhat limited. As an example, the Human Rights Council decided to withhold some details about the 2012 discussion between Iraqi labor unions and human rights defenders.

Despite the fact that the complaints processes are often disregarded because of their anonymity, it is impossible to ignore their valuable function. While the Office of the HCHR gets between 11,000 to 15,000 letters annually, states respond to concerns in ninety-four percent of those instances. Between 2010 and 2011, the Working Group on Communications received 1,451 of the 18,000 complaints that were referred for further processing. That four communications were handled by the Human Rights Council during its 19th session in 2012 was also brought to light.

Here's the translation:

Although most cases have been suspended since then, this procedure remains effective and should continue. History shows that this procedure achieves results similar to those of petitions; if a sufficient number of complaints are submitted, it is likely that the HRC will appoint a special rapporteur for the relevant issue.

This procedure is considered an effective confidential means of addressing states, compared to the more aggressive process of public indictment, as it allows for a more diplomatic approach to handling the issue. It also provides a useful tool for the international community in cases where other means are ineffective. Another advantage is the ability to file complaints against any country, regardless of its ratification of specific conventions. Due to the limited information available about the complaints procedure, it is difficult to provide a comprehensive assessment of the process itself, the resources used, and its effectiveness. Much of the procedure likely occurs behind the scenes, such as interactions between the Working Group and the concerned states.

The second search: Forming a system of monitoring bodies in the United Nations regarding human rights

Here's the translation:

UN mechanisms for overseeing human rights organizations are centered on the Advisory Committee, the Complaints Procedure, and the Universal Periodic Review. Extra subsidiary entities of the UN Human Rights Council include:

-An Expert technique on the Rights of Indigenous Peoples, which would replace the WG on Indigenous Populations that was a part of the HRC in the past. The Forum on Minority problems, which aims to establish a working partnership in order to facilitate talks and collaboration on problems pertaining to linguistic, national, ethnic, or religious minorities. Human rights and environmental concerns of global and national importance are debated at length in the Social Forum. Civil society, including both official and non-official groups, and member states are having a conversation.

As part of the UN system for monitoring human rights, the HRC established the Special Procedures, which

are empowered to receive expert reports and observations on the state of human rights in various nations. Two types of unique processes are available:

1. Thematic Procedures: Choose broad categories of global violations of human rights.
2. Procedures Specific to a Country pertain to the state of human rights in certain nations or regions.

A Special Procedure might be a "Independent Experts," "Experts of Special Rapporteurs," or a Special Working Group, often with five members, depending on the location. As of September 20, 2020, there were twelve country-specific mandates in addition to 44 theme mandates.

The resolution creating special procedures gives mandate holders the authority to carry out a range of tasks, including responding to correspondence, conducting research, conducting foreign missions, offering advising services about technical cooperation, and engaging in promotional efforts. At least once a year, mandate holders prepare and deliver their reports documents to the HRC.

Holders of mandates carry out their activities independently and without compensation, which maintains their objectivity in carrying out their responsibilities. The Office of the HCHR gives the required manpower and other resources to assist these individuals.

All mandate applications are assessed by an Advisory Group, comprising of five countries, which are selected from the UN regions. On the basis of the Advisory Group's recommendations, the President of the HRC offers one of the shortlisted candidates to members of the HRC for approval at the next session.

Country-specific procedures have to be renewed annually, while thematic ones are renewed every 3 years, with the HRC being the one in charge of it. In many cases, mandate holders, whether they focus on specific issues or specific countries, can serve for a term of no more than six years except for the first election.

Here's the translation:

In 2006, UN Secretary General Kofi Annan said that the Council was wrong to be more sensitive to violations perpetrated by Israel than others. He stressed that this did not imply putting Israel beyond reproach, but that the Council ought to be as swift to condemn grave abuses perpetrated by other nations.

Responding to the decision, on June 20, 2007, the UN Secretary-General Ban Ki-moon said that he was dissatisfied that the Council chose to address only a single type of regional issue while the nature of human rights abuses was widespread across the globe. He pointed out that the Charter of the Council enables the establishment of special rapporteurs for countries with inept records in the area of human rights, which numerous developing nations were against.

For instance, a meeting of the Council that took place in Geneva in 2007 caused controversy because it omitted nations who were suspected of violating the agreement. Cuba and Belarus were included on the list of countries that contributed to the nine special teams, but North Korea, Cambodia, and Sudan were not included. Ban Ki-moon, the Secretary General of the UN, made the following remarks: "The fact that nobody has been appointed as a special rapporteur for a particular country is not an excuse that country has no obligation to respect the Universal Declaration of Human Rights."

Concerns were voiced by the United States regarding to the possibility that the Council would not be impartial the day before the announcement was made by the UN. Deputy Permanent Representative of the USA to the UN Alejandro Wolff said that the UN Security Council has "an obsession to only condemn Israel." He also condemned the Council for its actions against Cuba and Belarus. According to the article, journalists working for the Council stated that the record speaks for itself.

The UN Human Rights Council Chair, Doru Costea, answered by saying, "As far as I am concerned, he is right; we must keep on working to improve the performance of the Council." Costea continued stating that the Council should pay attention to the actions of all the involved parties within complex conflicts and not solely concentrate on the actions of the targeted country.

Conclusion

Here's the translation:

A. International treaties have granted women several rights in the areas of economics, society, culture, civic engagement, and politics. Life, happiness and liberty are among these rights. Others include, but are not limited to, the following: voting rights and power to run for public office; the right to adequate medical care, an adequate education, and gainful employment.

B. The anti-discrimination and Universal Declaration of Human Rights, the two 1966 international agreements, the UN Charter, and other international documents affirm that men and women have equal rights.

C. The international community protects women's rights on a regional and global scale via laws and institutions. International law falls under the category of legal mechanisms. Institutional mechanisms, on the other hand, are specialized organizations and committees that work to defend women's rights.

D. International or regional intergovernmental organizations, such as the UN, are crucial to the safeguard of human rights, particularly those of women.

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