



FACT SHEET 8:

Promoting and protecting human rights in the UN system

The United Nations (UN) system has two main types of bodies to promote and protect human rights: Charter Bodies and Treaty Bodies.

Charter Bodies are established under the UN Charter in order to fulfil the UN's general purpose of promoting human rights. They have broad mandates that cover promoting human rights in all UN member states.

THE HUMAN RIGHTS COUNCIL

The principal UN Charter Body responsible for human rights is the Human Rights Council (HRC). The General Assembly established the HRC in 2006, in the hope that it would be more efficient and effective than its predecessor, the Human Rights Commission. Forty-seven UN member states sit on the HRC. One of its main purposes is to review the human rights record of every UN member state once every four years and to make recommendations for improvement. Australia is not currently a member of the Human Rights Council.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

The Office of United Nations High Commissioner for Human Rights (OHCHR), a department of the United Nations Secretariat [<http://www.un.org/documents/st.htm>] was established following the World Conference on Human Rights in 1993. Its role is to prevent human rights violations and secure respect for human rights by promoting international cooperation and coordinating the United Nations' human rights activities. The OHCHR conducts a very broad range of activities from its headquarters in Geneva. It also works directly in areas where there are severe human rights violations through field offices and as part of UN peace missions.

Treaty Bodies have responsibility for monitoring and promoting compliance with a particular human rights treaty. As such they are only concerned with countries that are a party to that treaty.

A number of human rights treaties have established treaty-monitoring bodies to supervise the implementation of treaty obligations by State Parties:

- the Committee on the Elimination of Racial Discrimination monitors State Parties compliance with ICERD;
- the Human Rights Committee monitors State Parties compliance with the ICCPR;
- the Committee on Economic, Social and Cultural Rights monitors State Parties compliance with the ICESCR;
- the Committee against Torture monitors State Parties compliance with CAT;
- the Committee on Migrant Workers monitors State Parties compliance with the International Convention on the Protection of the Rights of Migrant Workers and their Families;
- the Committee on the Elimination of Discrimination against Women monitors State Parties compliance with CEDAW; and
- the Committee on the Rights of the Child monitors State Parties compliance with the CRC.

PAGE 2:

Treaty Bodies consider reports from State Parties on their compliance with the treaty and some treaty bodies can receive individual complaints of treaty body violations.

REPORTING OBLIGATIONS AND MONITORING

Treaty Bodies consider periodic reports from States parties about the measures they have adopted to carry out their obligations under each treaty.

When Treaty Bodies assess reports from State Parties they may also consider information contained in 'shadow reports'. Shadow reports are those submitted to the Treaty Bodies by NGOs and National Human Rights Institutions (rather than government).

After considering the reports, Treaty Bodies make recommendations (often called *Concluding Comments or Recommendations*) about how the State Party can improve its compliance with its treaty obligations.

INDIVIDUAL COMPLAINTS

Some Treaty Bodies have additional powers to receive and consider complaints from individuals who allege they are the victims of human rights violations by the State. The bodies with the power to hear individual complaints are:

- the Human Rights Committee;
- the Committee on the Elimination of Racial Discrimination;
- the Committee against Torture; and
- the Committee on the Elimination of Discrimination Against Women.

A finding of a Treaty Body that a State Party has violated a person's human rights under the treaty is not legally binding.

Individuals can only make complaints to Treaty Bodies if they have exhausted all domestic remedies and if the relevant State Party has recognised the competence of the Treaty Body to hear their complaint.

By ratifying the ICERD, the CAT and the First Optional Protocol to the ICCPR, Australia has recognised the competence of Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Human Rights Committee to hear individual complaints about violations of the relevant treaty provisions.

The United Nations is currently considering proposals to reform the treaty bodies and make reporting obligations easier for States, by establishing a single, unified Treaty Body to monitor implementation of all the principal human rights treaties.

COMMITTEE REPRESENTATION

UN Treaty Bodies are committees of experts in the relevant area who serve in their personal capacity, not as representatives of their countries. Emeritus Professor Ivan Shearer and Elizabeth Evatt, former Chief Justice of the Family Court of Australia, are two examples of recent Australian representatives.

Other UN organs that do important human rights work include:

- UN High Commissioner for Refugees
- Commission on the Status of Women
- United Nations Development Fund for Women (UNIFEM)
- United Nations Children's Fund (UNICEF)
- UNAIDS.