Syllabus subtopic: Important International Institutions, agencies and fora - their Structure, Mandate.

Prelims and Mains focus: about the issue; about CAA; about UNHRC and OHCHR: mandate and objectives

News: In an unprecedented departure, the office of the UN High Commissioner for Human Rights (OHCHR), has informed India’s Permanent Mission at the UN in Geneva that it “intends to file” an intervention application in the Supreme Court on the Citizenship (Amendment) Act.

Reason given by OHCHR

- An examination of the CAA in the present case raises important issues with respect to international human rights law and its application to migrants, including refugees.

- Through the application, the UN High Commissioner seeks to intervene as amicus curiae (third-party) in this case, by virtue of its mandate to inter alia protect and promote all human rights and to conduct necessary advocacy in that regard, established pursuant to the United Nations General Assembly resolution 48/141.

Background

- The Supreme Court is hearing a batch of pleas challenging the Citizenship (Amendment) Act (CAA).

- There is no known precedent of the UN moving the Supreme Court in India in the recent past. A Special Rapporteur of the United Nations had filed an intervention application before the Supreme Court, seeking to assist the Court in the matter concerning deportation of Rohingyas from India. In the case of foreign governments, the Italian envoy was made a party at the Italian marines case.
India’s reaction

India reacted sharply and underlined that the CAA was an “internal matter of India” and “no foreign party has any locus standi” on issues pertaining to its sovereignty.

Core international human rights treaties to which India is a State party

1. International Covenant on Civil and Political Rights (ICCPR)
2. International Covenant on Economic Social, and Cultural Rights (ICESCR),
3. International Covenant on the Elimination of Racial Discrimination (ICERD),

About United Nations Human Rights Council (UNHRC)

- The UNHRC is a United Nations body whose mission is to promote and protect human rights around the world.

- The UNHRC was established by the UN General Assembly on March 15, 2006 (by resolution A/RES/60/251) to replace the UN Commission on Human Rights (UNCHR) that had been strongly criticised for allowing countries with poor human rights records to be members.

- The UNHRC has 47 members elected for three-year terms on a regional group basis.

- The headquarters of UNHRC is in Geneva, Switzerland.

- The UNHRC works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the UN's special procedures.

Mandate

The UNHRC investigates allegations of breaches of human rights in UN member states, and addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief
and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

**Criticism**

UN Secretaries General Kofi Annan and Ban Ki-moon, former president of the council Doru Costea, the European Union, Canada, and the United States have accused the UNHRC of focusing disproportionately on the Israeli–Palestinian conflict, and many allege an anti-Israel bias – the Council has resolved more resolutions condemning Israel than the rest of the world combined.

**Office of the United Nations High Commissioner for Human Rights (OHCHR)**

- OHCHR or the UN Human Rights Office, is a department of the Secretariat of the United Nations that works to promote and protect the human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948.

- The office was established by the UN General Assembly on 20 December 1993 in the wake of the 1993 World Conference on Human Rights.

- The office is headed by the High Commissioner for Human Rights (with the rank of Under-Secretary-General), who co-ordinates human rights activities throughout the UN System and acts as the secretariat of the Human Rights Council in Geneva, Switzerland.

- It is an ex officio member of the Committee of the United Nations Development Group.

- **Headquarters:** Geneva, Switzerland; New York City, United States

**Mandate**

- The mandate of OHCHR derives from Articles 1, 13 and 55 of the Charter of the United Nations, the Vienna Declaration and Programme of Action and General Assembly resolution 48/141 of 20 December 1993, by which
the Assembly established the post of United Nations High Commissioner for Human Rights.

- In connection with the programme for reform of the United Nations (A/51/950, para. 79), the OHCHR and the Centre for Human Rights were consolidated into a single OHCHR on 15 September 1997.

The **objectives** of OHCHR are to:

1. Promote universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the United Nations
2. Play the leading role on human rights issues and emphasize the importance of human rights at the international and national levels
3. Promote international cooperation for human rights
4. Stimulate and coordinate action for human rights throughout the United Nations system
5. Promote universal ratification and implementation of international standards
6. Assist in the development of new norms
7. Support human rights organs and treaty monitoring bodies
8. Respond to serious violations of human rights
9. Undertake preventive human rights action
10. Promote the establishment of national human rights infrastructures
11. Undertake human rights field activities and operations
12. Provide education, information advisory services and technical assistance in the field of human rights