

“First they came for the Communists, and I didn’t speak up because I wasn’t a Communist.

Then they came for the Jews, and I didn’t speak up because I wasn’t a Jew.

Then they came for the Catholics, and I didn’t speak up because I was a Protestant.

Then they came for me, and by that time there was no one left to speak up for me.”

Reverend Martin Niemöller (1945)

FOREWORD

In 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights the German United Nations Association together with the German Commission for UNESCO decided to publish a manual on how existing UN human rights mechanisms and procedures function and how they can be used more effectively by victims of human rights violations as well as by NGOs in the field of human rights.

In the course of the preparatory work, the two German NGOs further decided to publish two versions:

- (a) an English publication referring only to the existing mechanisms and procedures of the UN system which does not cover regional human rights mechanisms and procedures; and
- (b) a German publication addressed to the interested public in Germany which also includes in more specific terms information about the German human rights policy as well as about existing European mechanisms and procedures concerning the protection of human rights.

So far, three English versions served as a basis for translations into eleven languages. Taken together, 19 editions in 12 languages appeared, inter alia, in Greek (1998), Turkish (1998), French (2000), Georgian (2002), Armenian (2003), Arab (2003) and Hebrew (2009). Adaptations to the specific country situations were published in German (1998 and 2004), Russian (2000 and 2003), and Bulgarian (2001 and 2002).

This manual is the fifth revised, updated and enlarged edition of the 2005 English publication which has been prepared to initiate other national publications which should include details about the specific national states reports and the full texts of the reactions of the corresponding treaty bodies (“concluding observations/comments”) within the United Nations.

Regarding the financial constraints the United Nations have to face due to its Member States’ policy, and the increasing consciousness about the existing human rights instruments of the UN, the celebration of the 50th anniversary of the Universal Declaration of Human Rights in 1998 gave the unique

opportunity for NGOs to develop their influence towards a strengthening of the human rights instruments of the United Nations. The preparation of the manual has been guided by optimistic, not by sceptical realism. Referring to the increasing number of ratifications of UN human rights instruments, of the treaty bodies in charge of the supervision of state-reporting systems, and of NGOs engaged in human rights activities as well as of NIHRs, the fight against human rights violations – whenever and wherever they occur – is important and a must for all citizens. Of course, the silence of governments when other governments abuse the human rights of their own citizens occurs too often. And national sovereignty remains a reality although Article 2, para 7, of the UN Charter no longer offers a legal defence mechanism to Member States violating human rights. Unfortunately, the United Nations has failed so far to achieve its stated goal, namely to stop gross violations of human rights in many countries around the world. But all this means that NGOs must increase their efforts together with the governments of good will and with the UN machinery responsible for human rights.

The world-wide fight against human rights violations demands a higher degree of transparency both at the international and national level. The United Nations Human Rights Website opened on 10 December 1996 was a very important and most successful step towards that end (<http://www.ohchr.org>). This Website improved tremendously in terms of content and presentation over the last decade. It became the major source of information and guarantees a high degree of transparency.

Progress has been made in setting up national institutions for monitoring human rights instruments (NIHRs); these as well as the regional approaches, such as the African Court on Human and Peoples' Rights, the Inter-American Commission on Human Rights and the European Court of Human Rights, are – although of equal importance – not covered in this manual.

In view of grave violations and atrocities in Rwanda and the former Yugoslavia, two ad hoc tribunals were established by the Security Council. For a long time, an international criminal court remained the missing link in the international legal system which could remedy the deficiencies of ad hoc tribunals and could take over when national criminal justice institutions are unwilling or unable to act. The Rome Statute of the International Criminal Court (ICC) adopted in 1998 entered into force on 1 July 2002 and led to the establishment of a permanent international court with the power to exercise its jurisdiction over individuals who have committed the most serious crimes of concern to the international community as a whole.

Dramatic changes and enormous progress has been made in recent years. At the 2005 World Summit, the UN Member States agreed to establish the Human Rights Council to replace the Commission on Human Rights (see sections I and II). Special attention deserves the Universal Periodic Review of the Human Rights Council as a new mechanism under which the human rights record of all UN Member States will be reviewed until 2011. In 2006, the UN General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance, and in 2008 the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has

been adopted. In 2008, new legal instruments entered into force: the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (see section III.8).

This manual is written for individuals and NGOs with the intention of offering practical guidance and of increasing transparency. It includes, inter alia, important addresses, e-resources, charts describing the different procedures, and model forms for communications. This fifth, updated and enlarged English edition is available as a ready-to-print manuscript as well as in a CD-ROM format. On the occasion of the 65th anniversary of the United Nations the author sincerely hopes that many National Commissions for UNESCO and National United Nations Associations intend to prepare translations into their national languages. In order to do so, the present English version should be used as an “umbrella text” to be enlarged into the following directions:

- (a) by including the contents of the latest national states reports to the UN human rights treaty bodies and the concluding remarks of them;*
- (b) by including the content of the Universal Periodic Review of the Human Rights Council and its impact upon national implementation;*
- (c) by adding a chapter on regional human rights mechanisms (again with special reference to national states reports, etc.); and*
- (d) by adding actual primary and secondary literature in the national language to the references.*

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Klaus Hübner

<p>German Commission for UNESCO Colmantstr. 15 D-53115 Bonn Germany Phone: xx 49-228-604 97-0 Fax: xx 49-228-604 9730 E-mail: sekretariat@unesco.de Website: http://www.unesco.de</p>	<p>German United Nations Association Zimmerstr. 26/27 D-10969 Berlin Germany Phone: xx 49-30-2593 75-0 Fax: xx 49-30-2593 7529 E-mail: info@dgvn.de Website: http://www.dgvn.de</p>
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