FUTURE PREVENTIVE STRATEGIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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INTRODUCTION

Human rights protection is best achieved by preventing violations, to the extent feasible. Preventive human rights strategies are beginning to receive attention these days. Addressing a conference on the responsibility to protect, on 18 January, 2012, Secretary-General Ban Ki-moon declared:

... (L)et me speak to an issue that I believe has not received sufficient attention: That is the importance of prevention. Today I ask you to join me in making 2012 the year of prevention. This is going to be one of my five generational opportunities of the United Nations for the coming five years.1

Since the establishment of the Office of the High Commissioner for Human Rights (OHCHR) in 1993, the High Commissioners, and under their leadership, OHCHR, have emphasized national capacity building and technical assistance, field operations, justice for victims and prosecutions of perpetrators, use of the voice of the High Commissioner in emergency situations, the mainstreaming of human rights, gender justice, and implementation of the UN Millennium Development Goals. Without doubt, the High Commissioners, and OHCHR, have made valuable contributions to the promotion and protection of human rights world-wide. That said, a review of the experience of the High Commissioners and of the Office over a decade and a half behooves us to ask what new strategies might be pursued in the future. Human rights work can be placed in the categories of seed-planting or promotional, fire-brigade or responding to human rights violations, and preventive. While promotional work contributes to prevention in the long-term, more is entailed in a strategy of prevention. So far, there has been little explicit use of preventive strategies, and they should be accentuated in the future.2

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2 See generally B.G. Ramcharan, Preventive Human Rights Strategies (Oxon: Taylor & Francis, 2010); B.G. Ramcharan, Preventive Diplomacy at the UN (Bloomington: Indiana
THE NEED FOR A MODERNIZED APPROACH TO THE ROLE OF OHCHR

Since the beginning of the United Nations, its human rights bodies, including the secretariat, have contributed to research and studies; standard-setting; advisory services to governments; fact-finding; the consideration of reports by human rights treaty bodies; the consideration of petitions; visits to prisons in preventive mode; and human rights advocacy by the UN Secretary-General and, since 1994, by the High Commissioner for Human Rights.

The historical journey of OHCHR since the assumption of duty by the first High Commissioner in 1994 has seen it go through a struggle to become established, struggle for resources, provide services to human rights bodies and special procedures mandate holders, establish human rights field offices, develop programs to help countries strengthen their national human rights structures, use the voice of the High Commissioner for protection, and, especially more recently, develop a partnership with the Human Rights Council and the UN Security Council. The High Commissioner is nowadays a highly respected figure on the international scene.

In this journey of OHCHR to date, it may be the case that some historical insights have been overlooked by the human rights movement. When the former Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (later the Sub-Commission on the Promotion and Protection of Human Rights) existed, the former Division/Centre for Human Rights and OHCHR partnered with this body as a thinking arm of the human rights machinery. At the request of the Sub-Commission, for example, the Secretariat did some pioneering studies in the 1970s and 1980s on human rights and scientific developments.3 This ‘thinking function’ has been diminished inasmuch as the successor of the

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