Revitalising the United Nations Human Rights Special Procedures Mechanisms as a Means of Achieving and Maintaining International Peace and Security

Claire Breen

The task is not to find alternatives to the SC as a source of authority but to make it work better.¹

I. Introduction

Numerous provisions of the Charter of the United Nations² underline the obligations of Member States of the United Nations (UN) to promote and protect human rights. The Charter also provides for the es-

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² Yearbook of the United Nations 59 (2005), 1601 et seq.
tablishment of UN bodies to assist in this endeavour, the General Assembly and the Economic and Social Council (ECOSOC) being the primary responsible organs in this regard. What is perhaps less clear in this respect is the extent of the role of the Security Council in connection with the promotion and protection of human rights. Although the controversies surrounding recent instances of armed intervention have overshadowed the burgeoning role of the Council in this regard, the Security Council has for almost two decades expressed its concern about massive human rights violations. It has recognised that gross human rights violations may often be the precursor to the (re)emergence of conflict.

The Council’s concerns have often arisen as a consequence of receiving information provided to it by ECOSOC in addition to information received from the Office of the UN High Commissioner for Human Rights (OHCHR) by way of briefing from the High Commissioner and/or the mandate holders of the special procedures mechanisms, as established by the former Commission on Human Rights and for which now the Human Rights Council has continued responsibility. The Security Council’s relationship with ECOSOC and the Commission on Human Rights has been sporadic despite calls for increased relationship.3

This article focuses upon the role of the Commission on Human Rights (and its successor the Human Rights Council), as the body which has been responsible for the elaboration and implementation of UN human rights standards. It asserts that the Security Council can do more to strengthen visibly its role in the promotion and protection of human rights given that the Security Council itself has recognised the link between gross human rights violations and the (re)emergence of conflict. The dialogue that developed between the Security Council and the UN human rights bodies in the early to mid part of this decade is to be commended. Nevertheless, it will be argued that there should be increased encouragement for a greater level of dialogue, whereby such dialogue is informed by way of a clearer and effective use of the special procedures mechanisms which have been elaborated in some detail to meet the Charter’s mandate for promotion and protection of human rights. The article concludes with the suggestion that those more informal mechanisms that facilitate the flow of human rights information be-