

March 13, 2020

United Nations Issues: U.N. Office of the High Commissioner for Human Rights

The U.N. Office of the High Commissioner for Human Rights (OHCHR, or the Office) is the primary U.N. administrative body that addresses human rights. The United States generally funds the Office through assessed contributions to the U.N. regular budget (between \$18-\$20.5 million a year), and voluntary contributions (between \$5-\$15 million over the past five years). Since FY2018, the Trump Administration has withheld assessed U.S. funding from the Office, possibly due to concerns regarding its activities related to the Palestinians and its work with the U.N. Human Rights Council (the Council). (The United States withdrew from the Council in 2018 due to concerns about its disproportionate focus on Israel and perceived inability to effectively address human rights issues.) Some Members of Congress agree that the withholding is merited; others view OHCHR as important mechanism for preventing and responding to human rights violations worldwide. Some are also concerned that the withholding was not authorized by Congress. The United States has continued to provide voluntary funding to the Office as specified by Congress in annual appropriations bills (\$14.5 million in FY2020).

Origins and Background

OHCHR was created in 1993 by U.N. General Assembly resolution 48/141 as an outcome of the U.N. World Conference on Human Rights in Vienna that year. Support for establishing such an office increased within the changed political dynamics of the post-Cold War era and because of a perceived need to ensure effective coordination of the growing number of U.N. human rights-focused treaty bodies and mechanisms.

U.N. High Commissioner for Human Rights

The U.N. High Commissioner for Human Rights is appointed by the U.N. Secretary-General and approved by the General Assembly. He or she serves up to two four-year terms, although to date no commissioner has served for more than one term. According to resolution 48/141, the High Commissioner has “principal responsibility for United Nations human rights activities,” and operates under the direction of the Secretary-General.

While serving as a high profile human rights advocate is one aspect of the High Commissioner’s role, the High Commissioner also serves as an impartial evaluator of human rights conditions, as a diplomat who must deliver tough messages to governments while also working with them to improve their practices, and as a manager tasked with overseeing a substantively and geographically broad U.N. organization. At times, High Commissioners have criticized the United States, such as for conditions at the U.S.-Mexico border and the detention of individuals at

Guantanamo Bay. The current High Commissioner is Michelle Bachelet of Chile.

Activities and Structure

OHCHR works with governments and civil society organizations to monitor human rights conditions and provide expertise and technical assistance in support of international human rights standards. Assistance may include human rights assessments, advisory services, trainings, and other activities. (For example, OHCHR provided technical support to new Colombian institutions charged with prosecuting human rights crimes under international law committed during Colombia’s period of armed conflict.) OHCHR also works to “mainstream” human rights promotion throughout the U.N. system, including within relevant U.N. specialized agencies. (For example, it seeks to ensure that human rights issues are integrated within U.N. mechanisms and policies that address terrorism and violent extremism.)

OHCHR is headquartered in Geneva and is bureaucratically situated within the U.N. Secretariat, which is the U.N. system’s administrative body led by the Secretary-General. It has an office in New York and a field-based presence that includes 12 regional offices, 14 country offices, 13 human rights components as part of U.N. peacekeeping missions, 27 human rights advisors integrated within U.N. country teams, and a rapid response unit to respond to human rights emergencies (e.g., this unit in 2017 deployed U.N. personnel to monitor human rights violations against the Rohingya in Burma).

Relationship to the U.N. Human Rights Council

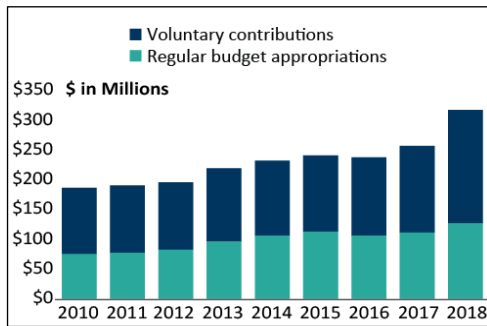
A major part of OHCHR’s work consists of supporting the U.N. Human Rights Council. OHCHR and the Council are distinct entities, yet their work is often connected. The Council is an intergovernmental body composed of 47 member states. OHCHR, as part of the U.N. Secretariat, helps support and coordinate the Council’s work, including that done by country or issue-focused human rights monitoring experts that have been appointed by council members (known as *special procedures*). OHCHR also carries out any tasks or activities assigned by the Council and makes relevant recommendations.

Budget

OHCHR is funded through a combination of assessed and voluntary contributions from governments and other donors. Assessed contributions are provided through the U.N. regular budget; they fund core human rights activities and programs, including those mandated by the General Assembly and Human Rights Council. Voluntary contributions can vary from year to year and generally fund specific projects earmarked by donors. In 2018,

contributions to OHCHR totaled \$312.7 million. Of this amount, \$125.6 million (roughly 40%) was from assessed contributions and \$187.1 million (about 60%) was from voluntary contributions from 89 donors, including 63 U.N. member states. Unpredictable voluntary funds have outpaced regular budget funding in recent years, making it more difficult to plan and prioritize programs (**Figure 1**). Nevertheless, many donors, including the United States, support such funding because it allows them to support programs that are in line with their human rights priorities.

Figure 1. OHCHR Funding, by Type

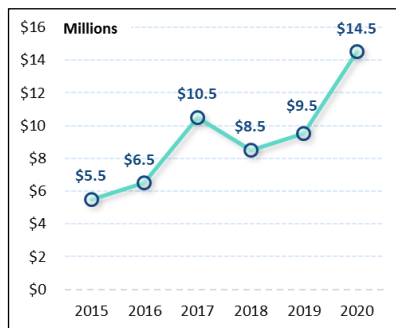


Source: Data adapted by CRS from 2018 OHCHR Annual Report.

The United States and OHCHR

The United States advocated for the creation of OHCHR and supported the resolution that established the Office. In the decades since, U.S. policymakers have generally funded and supported OHCHR's work. At the same time, some have expressed concern regarding OHCHR's activities, including its connection to the Human Rights Council. The United States provides assessed and voluntary funding to OHCHR through annual State, Foreign Operations and Related Programs (SFOPS) appropriations bills. Assessed funding is provided through the U.N. regular budget, of which the U.S. assessment is 22%. The United States contributes to the regular budget through appropriations from the *Contributions to International Organizations* account. In FY2018 and FY2019, the Administration withheld a proportionate amount of OHCHR funding from the U.N. regular budget (\$18.9 million and \$20.3 million, respectively). To date, the Administration had not decided if it would withhold funds for FY2020. Withholding funds in this manner is a policy decision by the Administration and is not authorized by Congress.

Figure 2. U.S. OHCHR Voluntary Funding



Source: SFOPS appropriations bills and explanatory statements.

OHCHR voluntary contributions are generally provided through the *International Organizations and Programs* account (**Figure 2**). FY2020 voluntary funding was

increased to \$14.5 million; of this amount, \$1 million each was designated for Colombia, Honduras, and Guatemala.

Issues for Congress

Activities Related to the Palestinians. Some policymakers maintain that the United States should not fund OHCHR because it supports activities they view as biased against Israel—particularly those initiated by the Human Rights Council, which has special procedures and an agenda item focusing on human rights in “Palestine.” In March 2016, the Council adopted a resolution, which was strongly opposed by the United States, that requested OHCHR to produce a database of all business enterprises that “directly and indirectly, enabled, facilitated and profited from the construction and growth of the (Israeli) settlements.” OHCHR released the database on February 12, 2020. Secretary of State Mike Pompeo expressed “outrage” that OHCHR would publish the document and called on others to reject the effort. Some Members of Congress have also opposed the database; for example, H.R. 5595, The Israel Anti-Boycott Act, seeks to prohibit some businesses from cooperating with information collection efforts connected to the database. Despite these activities, some contend that the United States should support the Office because it also addresses other human rights situations of U.S. concern.

Impact of U.S. Withholdings. Opponents contend the OHCHR withholdings infringe on U.S. funding obligations under the U.N. Charter. Some have also expressed concern that withholdings are not authorized in legislation. More broadly, some maintain it sends a message to other countries that the United States does not prioritize human rights. Others suggest the withholdings allow the United States to leverage its position as the largest U.N. contributor to push for human rights-related policies that are in the U.S. interest. The overall impact of the withholdings remains unclear. Because OHCHR is funded in part through the U.N. regular budget, any shortfalls would most likely be covered, at least temporarily, by surplus regular budget or emergency funding. As a result, the withholding is largely symbolic and unlikely to have significant impact.

Possible Decline in U.S. Influence. Some policymakers have become concerned that a dearth of U.S. leadership might weaken U.N. human rights entities such as OHCHR by ceding influence to other countries. For example, some have argued that in the Human Rights Council, China has undermined U.N. human rights efforts by downplaying individual rights and emphasizing state-led development, advocating for its interpretations of national sovereignty and concepts of noninterference in internal affairs, and seeking to limit the voices of human rights groups. Because OHCHR implements many council mandates, some fear such perspectives could be reflected in OHCHR activities. On the other hand, some contend that the United States should pursue its global human rights priorities in other multilateral and U.N. fora such as the U.N. Security Council or the General Assembly's Third Committee on Human Rights. Others also suggest that the United States focus on bilateral efforts to address human rights.

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