



**FUNDERS LEARNING VISIT
GENEVA, SWITZERLAND
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Dialogue with the UN High Commissioner for Human Rights: Kyung-wha Kang

Wednesday, May 5, 2010, 12:00-1:00 pm

Facilitator:

Facilitator: **Andrew Park**, Program Director, Wellspring Advisors

Deputy Commissioner Kyung-wha Kang gave an overview of the UN's reformed human rights programs. She is only the second to hold the new office and they are still learning the new system.

Key elements of the framework:

- At the intergovernment level:
 - **Human Rights Council** – an intergovernment body coming together to discuss human rights issues. It's an inherently political body with inherent limitations, but it performs critical work. It was inherited from the old Human Rights Commission system, with special procedures and independent experts.
 - **Treaty Bodies** – independent bodies to monitor whether states are meeting their obligations under the treaties they have signed, they
 - **OHCHR** – started by a resolution in 1983. It has a broad mandate but independence on where to invest resources and expertise. actively meet to review country reports and offer recommendations. The High Commissioner is appointed by the Secretary General, and approved by the entire UN membership in the General Assembly. It also provides services and expert assistance for other mechanisms (Council, Special Rapporteurs, treaty bodies), but this does not diminish its independence. They recently decided to take on the topic of sexual orientation, which is challenging and difficult to promote, but at this point, only the High Commissioner's voice can put the issue on the right track.

All machinery works very closely with NGOs, in Geneva and on the ground. They provide support to the best of their abilities and count on funders.

Q&A and Comments/Discussion:

- What can the OHCHR do on sexual orientation?
 - They have already made important statements. They're working to deepen their own expertise and establish a post dedicated to the issue. They want to create a post to map the issue with violations, legislations, and background to support the High Commissioner's advocacy.
 - What's the political reality for how far the High Commissioner can go?
 - It's always hard regarding this issue. There's no formula; it's a judgment call. Given the victims' need, we need to work forward.
- What about safe abortion? It's also politically charged.
 - They're doing work on maternal mortality to bring to the MDG summit. They have a gender unit that provides a lot of substance.
- What is the impact of the High Commissioner taking a stand?
 - It's difficult to measure – indicators don't come naturally – but there's a lot of anecdotal evidence (example of Sri Lanka). It gives a sense of being heard, acknowledging the issue, and looking into it. The tangible impact they want to have is with governments. They have a responsibility to promote human rights for all through government policy, laws, and practice.
 - Use results-based planning and indicators, to force us to focus our minds, but it never captures the full extent.
- What is the relationship of the OHCHR with national institutions?
- Human Rights Council review
- Human rights defenders
 - Intervene straight from Commissioner to government and urge to action, make statements.
 - A report on reprisals is coming out to be presented to the Human Rights Council.
 - Human rights defenders is the major issue for the Human Rights Council this year.
 - There's also a Special Rapporteur on human rights defenders.
- The UPR has had some success, but could be better. The G8 must be more ready to work with the Human Rights Council. It only meets once a year and is not synced with the Human Rights Council. The OHCHR has to do the work the Council has asked them to do with no resources.
- Where would you see funding for advocacy supportive of the UN?
 - The UPR is bringing together activists on the ground, states, and NGOs
 - Something more and more into the development process
 - They're going to add a session webcast and work with country teams to advocate for UPR process
- It's always politically challenging work, but it's good for the UN that human rights gets done right. A large part of UN credibility comes from human rights, and it is very important work.
- Nondiscrimination after Durban
- What about the treatment of more than 100 million displaced persons? How can OHCHR assist us? Who can coordinate the transition to housing and normalcy?

- Reach out proactively to us. There's still a lot to be done. Contact field officers in offices, many of which are regional.
- If you had 1 million dollars, what would you do with it?