

**The Future of the United Nations: - Conversation with Experts  
Birmingham City University  
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I would like to thank Professor Jon Yorke and Dr. Alice Storey, from Birmingham City University, for the opportunity to participate in this experts' conversation on the future of the UN. I bring to it **39 years of service in the Organization**, mostly in the field of human rights, starting with participating in the **creation of the Office of the High Commissioner for Human Rights (OHCHR)**. From early on, I took an active role in developing its **operational capacity**, based on the principle that international human rights norms must be translated into consistent laws and practices, at country level, in order to be relevant.

The process of **bringing all human rights** from conference rooms in the Palais des Nations (PdN), **closer to the realities on the ground** – with human rights monitors – started with the first High Commissioner for Human Rights, in **Rwanda**, in the middle of the genocide, in 1994, through a complex, challenging, mission that represented the **foundation stone** of that new institution.

And, on **International Holocaust Remembrance Day**, let's commemorate the liberation of the concentration camp in Auschwitz, 80 years ago, and the memory of the victims of genocide.

As head of secretariat teams in multiple Commissions of Inquiry, (Col), /Fact-Finding Missions, (FFMs), in Liberia, East Timor, Côte d'Ivoire, Uzbekistan, and then of the HR Component of the UN Assistance Mission in Iraq, in 2006-2007, I **documented massacres, major human rights violations**, as well as the worst instances of sectarian violence, in and around Baghdad, where hundreds of civilians were violently killed, daily. I also worked with all branches of the Iraqi Government to **support the administration of justice**, rule of law institutions, including facilitating the drafting of legislation for the setting up of a Human Rights Commission, while expanding the capacities of human rights civil society organizations (CSOs).

Back in OHCHR, in charge of National Human Rights Institutions (NHRIs) and Regional Human Rights Mechanisms – I praised the critical importance

of **partnerships with these institutions** and supported their independence and effectiveness, with a more robust accreditation process, in line with the **Paris Principles** – yet open to inputs from CSOs- while also strengthening the relationship and complementarity between international and regional human rights mechanisms.

As chief of the Americas, Europe and Central Asian regions, in the field operations and technical cooperation division, I oversaw the work of **multiple field presences** – from Colombia to Kyrgyzstan - and set up the **Human Rights Monitoring Mission in Ukraine, in 2014**, as so-called “green men” were illegally occupying Crimea and supporting pro-Russian separatists in the Donbass region of Ukraine.

My last UN assignment, as head of the Human Rights Council (HRC) Universal Periodic Review (UPR), during its 3<sup>rd</sup> and beginning of its 4<sup>th</sup> cycle, brought together many elements of my professional experience – all focused on the **broadest possible implementation of human rights mechanisms (HRMs) recommendations** - resulting in important lessons learned which I will expand, later.

If we look, **chronologically, at the priorities of the UN** in the field of human rights, we realize that they have significantly evolved overtime: from an initial focus on standard setting and developing the normative framework; to monitoring compliance at the international level, through independent experts; and finally, to monitoring the human rights situation at country level, and supporting progress through OHCHR field presences.

The **Charter of the UN** contains strong human rights language (in the preamble and in articles 1, 13, 55, 56, 62 and 76), eventually recognized as the human rights pillar, next to international peace and security and economic and social development.

While the **Universal Declaration of Human Rights** outlined fundamental human rights, it was only with the two Covenants and the adoption of core human rights treaties, following their ratification, that a **complex machinery** of implementation made up of HR experts could be established – both **conventional**, with today 10 HR Treaty Bodies (TBs) and **extra-conventional** (with over 80 thematic and country Special Procedures Mandate Holders - SPMHs - appointed by the Commission/ later the

Human Rights Council) – to review compliance with States’ legal obligations.

After the **Vienna Declaration and Program of Action**, it was the **High Commissioner’s** policies and actions, from day one, on “**making human rights a reality**”, that jump-started the process of bringing concluding observations and recommendations from TBs/SPMHs to bear in a national context – through **OHCHR field presences, (OHCHR FPs)**, working with Government, Parliament, the Judiciary, NHRIs and CSOs.

With the **reform of the HRC, in 2006**, the UPR emerged as an effective cooperative mechanism meant to review the fulfilment of States’ human rights obligations and commitments every 4.5/5 years. The **UPR brought together all existing mechanisms and procedures**, including a review - bottom up - of the realities on the ground. With 100% participation of States, at the highest level, and with delegates in the reviews representing all branches of the Government and key state institutions, the UPR delivers an average of **280 recommendations per State** under review made by some 105 recommending States.

It is important to note that, while a peer review, State driven, the UPR considers **the views of TBs, SPMHs**, inputs from the UN System in-country, Col, FFM, OHCHR FPs, RHRMs, NHRIs, and CSOs, with the core objective of identifying gaps in implementation, reflected in two official documents complementing the self-evaluation/report of the State.

At variance with other mechanisms, the UPR provides an opportunity for States to consider each recommendation received which – following broad consultations within the government and with other national stakeholders lasting 3-4 months – **leads to sovereign decisions**<sup>1</sup> on those recommendations the State is ready to accept in the HRC UPR adoptions.

Clearly, the **UPR creates many entry points for action** by the State, with the support, when required, of the international community and the UN system in-country.

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<sup>1</sup> Please see “**Human Rights and the UN Universal Periodic Review Mechanism – A Research Companion**”, edited by Damian Etone, Amna Nazir, Alice Storey, Routledge, 2024, and “**Using Universal Periodic Review Recommendations in UK Courts**” by Michael Lane and Frederick Cowell, in *Judicial Review*, Volume 29, Taylor & Francis, 2024.

The importance of the UPR in advancing human rights at country level has been recognized by UN Secretary-General Guterres, most prominently in his Call to Action for HR, in 2020, and the concomitant request made to OHCHR to develop a **UPR practical guidance** detailing what steps could be undertaken by Heads of UN Missions, worldwide, (RCs, HCs and SRSG/DSRSG), before, during and after the reviews - so as to maximize the use of this mechanism.

Two years later, in 2022, a **repository of good practices** by the UN System to make progress on the SDGs through the UPR was jointly issued by UNDP, OHCHR and DCO. In it, 18 country contexts are referred to where UPR recommendations accepted by the State, allowed different UN entities, in cooperation with the Government and other stakeholders, to address concerns, such as: trafficking, torture, capital punishment, gender violence, discrimination, freedom of expression, shrinking civic space, protection of HRDs, statelessness, or to set up NHRIs and NPMs under OPCAT.

While a great deal remains to be done in most of those country contexts, the repository outlines **the potential of the UPR** in delivering results that translate international norms into concrete action, nationally.

For its part, since the beginning of the 3rd cycle, **OHCHR has developed new tools to facilitate implementation** of UPR recommendations – starting with **a letter** addressed by the UN High Commissioner for Human Rights to all Foreign Ministers, once the UPR outcome was adopted in the Human Rights Council. The letter contains an annex with OHCHR observations “with a view to follow-up action”. It includes a link to the matrix of thematically clustered recommendations, starting with those supported by the State and ending with those noted.

**The matrix** – a Word document available on-line – allows the rapid search of any issue/concern, resulting in a listing of all relevant recommendations, indicating clearly the State that made them, the position of the State under review on each of those recommendations as well as the link to the relevant SDG. To note, the HC letters refer specifically to the UPR Practical Guidance and the Repository of UN Good Practices which I referred to earlier<sup>2</sup>.

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<sup>2</sup> An infographic with trends - in terms of received and accepted recommendations between cycles; the top five SDGs linked to all recommendations received and a listing in eight categories of recommendations among those

If we take a closer look – for instance - at the **observations sent to the UK**, after its 4<sup>th</sup> cycle review, in July 2023, they state that it is critical that all new laws and policies comply with international HR obligations – with a specific reference to possible reforms to the HR Act through a new “Bill of Rights”. The UK is specifically **encouraged to reconsider** the Northern Ireland Troubles Bill and the Public Order Act; to organize its immigration and asylum system to ensure those fleeing persecution and seeking international protection can enjoy their HR, including their right to seek asylum.

The UK is further encouraged to **consider withdrawing** the Illegal Migration Bill, which would be at variance with UK international obligations as, for instance, it gives extraordinary powers to the Secretary of State to remove anyone entering irregularly, without assessment of individual circumstances.

Like all other States addressed by the HC, the UK is encouraged to **develop an implementation plan** in follow up to its UPR outcome, in close consultation with all stakeholders. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations of other international or regional human rights mechanism (i.e. TBs/SPMHs/CoE) and to the relevant SDG and its targets – facilitating **synergies between UPR implementation and SDGs** related actions and reporting (e.g. Voluntary National Reviews in the High-level Political Forum of ECOSOC).

The Government is further encouraged to establish a **national mechanism for (implementation) reporting and follow up – NMIRF** - in line with OHCHR guidance (contained in HRC 50/64). Finally, the UK is advised to continue with its practice of submitting a **mid-term report** two years after the adoption of its outcome – with the next due in 2025 – detailing implementation efforts as well as challenges to implementation – including the need for possible assistance.

Taking the above into account, it is relevant that the **Pact for the Future** main human rights actions include:

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accepted by the State - is available, country by country, together with the HC letter and the matrix, at: <https://www.ohchr.org/en/hr-bodies/upr/documentation>

- **Action 7:** strengthen efforts for peaceful and just societies for sustainable development, provide access to justice for all and build effective accountable and inclusive institutions at all levels and uphold human rights and fundamental freedoms;
- **Action 8:** achieve gender equality and the empowerment of all women and girls as a crucial contribution to progress across all the SDGs and targets;
- **Action 13:** redouble efforts to build and sustain peaceful and just societies and address root causes of conflicts;
- **Action 14:** protect civilians in armed conflict;
- **Action 46:** ensure the effective enjoyment by all, of all human rights and respond to new and emerging challenges – considering GA res 48/141 and OHCHR coordination role within the UN System.

We are fortunate that the **30<sup>th</sup> meeting of Special Rapporteurs, Independent Experts and Chairpersons of Working Groups of the HRC Special Procedures** took place last month (9 to 13 December 2024)<sup>3</sup>, and issued a joint declaration, which analysed the Summit of the Future.

I concur with the views expressed in it, especially that “the Pact for the Future, enshrines a vision for the future of the UN and multilateralism that should have **human rights at its core**” and that “**Human rights should regain the central place they deserve**” since they “are not only words collated in various Conventions or Declarations. ... They are the anchor on which everyone can rely for freedom, peace, security and sustainable development.”

The joint declaration notes that “**A rights-based international system** is being substituted by a might-makes-right system, with devastating conflicts raging around the world....”. It states that “Human rights, development, peace and security are the **three inseparable UN pillars**, and each should receive the same support and recognition.

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<sup>3</sup> <https://www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/statements/30th-annual-meeting-joint-declaration-adopt.pdf>

The UN and all Member States should maximise the use of the multilayered and complementary (HR) mechanisms, which generate a rich set of practical and solution-oriented recommendations **to prevent conflicts, redress harms, strengthen accountability and ensure sustainable development.**”

While indicating that funding for human rights represents less than five per cent of the total regular budget of the United Nations, the joint declaration calls for “a decisive and significant **increase of resources.**” It ends by reiterating that “our vision for **the future of the UN** and multilateralism” is predicated upon “a **strong human rights system at its core**”.

If we ask: **how to implement the HR provisions of the Pact** for the Future, my answer would be, without any doubt, that the HRC **UPR offers the best way forward** for the UN in realizing the purposes and principles of its Charter, in preserving peace and security while ensuring the attainment of the SDGs. The key for the Organization is clearly a much **stronger focus on prevention and on addressing root causes** of violations early-on, well before they degenerate into conflicts and/or humanitarian emergency situations.

The UPR with its **regular check-up** on the status of the human rights health of each State contains a **detailed listing of what each State needs to do** to become healthy and more resilient, by ensuring growing compliance with its international human rights obligations. For the UN to succeed in its mission during these challenging times, we need to **stop talking about HR implementation and focus on how best to do it** – realistically, making use of available tools and resources - and on how Member States and the UN system can work together to achieve that end.

The United Nations Sustainable Development Cooperation Framework – signed every 5 years by the UN RC and the Government - could be the best **opportunity for each UN Country Team (UNCT) to review the matrix** of UPR recommendations received by the State, identify which UN Entity “owns” which recommendation - taking into account its specific mandate - and then act upon those deemed most relevant in terms of follow up.

Indeed, **incorporating into planning and programming key accepted UPR recommendations** on the rights of the child by UNICEF, on gender equality by UN Women, on advancing the rule of law by UNDP, on maternal

health and rights by UNFPA, on statelessness and IDPs by UNHCR, on education, freedom of expression and protection of journalists by UNESCO, on labour rights by ILO, on corruption and drug use by UNODC, on the environment and climate change by UNEP, on health related issues by WHO, are examples of how the UN system, in close cooperation with OHCHR, could mobilize its resources and energies to achieve the SDGs, based on human rights recommendations.

As Amina J. Mohammed, UN Deputy Secretary-General stated in a HRC High level (HL) Panel, on 1 March 2023: “the UPR is one of our **most impactful instruments to promote human rights as part of development** ... The UN Development System and Resident Coordinators stand ready to support implementation of UPR recommendations and together advance the SDGs with human rights at their core.”

Similarly, recommending States – especially when donors and members of the OECD DAC – the group of countries that provide 230 billion US \$ in official development assistance (ODA) yearly - could prioritize **support for the implementation of their own accepted recommendations** made to States that are of priority for their assistance. Various forms of South – South cooperation could also emerge among recommending States from the global South and States under review, as it is already happening within and across regions, for instance, in the context of sharing national experiences when it comes to NMIRFs (e.g. Simore Plus – Paraguay).

While simple, “a no-brainer”, this approach is not followed in any consistent way by development actors because of **engrained compartmentalization and old habits**, something that can only be addressed by the leadership of the Government, as different Ministries are involved, yet continue to have negative implications for the effectiveness of aid (taxpayers’ money), national ownership, as well as for the credibility of the UN.

When the OECD DAC Chair, **Ms. Charlotte Petri Gornitzka**, (Sweden) addressed the HRC at an HL Panel on the UPR in February 2018, she recognized that the link between development cooperation and implementation of UPR recommendations could be stronger. The UPR was neither used nor discussed in the DAC, which provides guidance to national development entities through its own peer reviews. The DAC she argued could systematically consider, whether and how supported



recommendations arising from the UPR were implemented in countries recipients of ODA.

When her successor, **Ms. Susanna Moorehead**, (UK), addressed the HL Panel on the UPR in March 2023, she emphasized that it was more important than ever before to join forces across international systems and communities to strengthen the nexus between human rights and development. Specifically, she pointed out that recommending States that were members of the DAC should explore the possibility of supporting the implementation of UPR recommendations<sup>4</sup>.

The current OECD DAC Chair, **Mr. Carsten Staur**, (Denmark) is a former UN Permanent Representative in Geneva (2013-2018), participated in the 2nd cycle UPR of Denmark, in various UPR WG sessions and in Human Rights Council UPR adoptions. Hopefully, this could facilitate a **crossfertilization among peer reviews** in time for the 20th anniversary of the HRC, next year, resulting in greater impact by the HRC through the implementation of UPR recommendations – starting with those that have been accepted by the State and thus should not be controversial even for the most conservative development actor.

Greater attention is also necessary with respect to **noted UPR recommendations**, and this in terms of prevention. When Myanmar went through the second cycle of the UPR in 2015, there were many recommendations relevant to the **situation of Rohingyas**, including the withdrawal of the 1982 citizenship law, the repeal of article 377 of the penal code as well as the repeal or revision of the so-called Protection of race and religion laws.

Had those noted recommendations on the protection of minorities been acted upon by the Government of Myanmar, with the prodding of the UN system and the international community, at that time eager to re-engage, they **could have addressed important protection gaps**. Doing so would have strengthened the protection of these minorities and **prevented or**

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<sup>4</sup> As also pointed out by Ambassador Omar Zniber, former HRC President, in his statement of 23 March 2024: see <https://www.ohchr.org/en/statements/2024/03/statement-omar-zniber-president-human-rights-council-upr-info-side-event-working>

**limited** the number and the extent of violent actions against Rohingyas which resulted in a major humanitarian catastrophe in the following years<sup>5</sup>.

In conclusion, the UPR is the best tool devised by Member States to **domesticate international human rights norms**, to address gaps in laws and practices. This mechanism combines all the implementation efforts made in the past 50 years and must be **used effectively at country level, not just formally in the PdN**. The enhanced implementation agenda of the 4<sup>th</sup> cycle of the UPR offers an opportunity for States to demonstrate greater accountability, and to lead by example, when it comes to following up to their own accepted recommendations. Yet, all recommending States should also link up with their development actors and support the implementation at least of their own accepted recommendations, especially in countries of priority for their ODA, or establish forms of South-South cooperation.

For the UN to succeed in **strengthening the human rights pillar** of its Charter, at 80, and for peace and development efforts of the Organization to rest on the **solid foundations of respect for human rights** and the rule of law, States will have to seriously ensure the complementarity among human rights mechanisms and use the UPR as main entry point for action in-country, simply because **vetting by the Government is a *conditio sine qua non*** for reforming laws and practices, for revising implementing regulations and standing orders, or for modifying manuals in the professional schools for judges, police and prisons officials.

They must end the **persisting compartmentalization** between human rights and development actors (within and outside the UN), thus securing the resources necessary to implement key accepted recommendations. States finally may wish to **evaluate the impact on the ground** of HRC action, starting with reviewing implementation/lack thereof of accepted UPR recommendations.

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<sup>5</sup> See also “**The Universal Periodic Review and National Protection Systems**”, page 38, by G. Magazzeni, in “**A Global Handbook on National Human Rights Protection Systems**”, edited by B. Ramcharan, et al. Brill / Nijhoff, 2023, <https://brill.com/edcollbook/title/64050?language=en>

Strengthening the human rights pillar can only reinforce the other two pillars of the Charter and **allow the UN to finally reverse current trends**, and multiple instances of failure of prevention. This could be done by giving effect to GA res 48/141 and realizing the full mandate of the HC, while also considering lessons learned by OHCHR in the past 30 years.

Overcoming compartmentalization between human rights and development actors, Geneva and Paris, must be matched by a more **effective cooperation between Geneva and NY**, working with the UN Peace Building Commission and the Security Council (SC), to advance human rights and prevent conflicts – for instance, by analyzing HR in Peace Missions reports to the SC and leveraging UPR commitments made by States that are considered by the SC and/or by the Peace Building Commission.

The focus must clearly be on **addressing root causes, on prevention**, and thus on strengthening **national human rights protection systems**: denouncing violations is important and must continue yet it cannot be an end in itself – it must be associated with required **remedial action, as detailed in the UPR of each State**.

Making use of existing ODA to implement accepted UPR recommendations made by DAC members (even if capped at 1% of total available ODA of each of its 32 members), with the support of the UN System and national stakeholders, would probably **reverse current trends** and **provide fact-based evidence** that respect for human rights is key to a more peaceful and prosperous world, based on the rule of law and respect for the UN Charter.

Let me end by expressing pain and sorrow at the suffering of **over 120 million refugees/displaced**, whose number never stops to grow, living in camps, not for years, but for decades, and at the impact on human rights and development of those lost generations<sup>6</sup>. Clearly, **investing more on human rights** and implementing **more HRMs recommendations** are not only the **right things to do**, but they are also **the smart things to do**, allowing the international community to generate enough wealth and savings to confront with greater optimism the new existential challenges of our time.

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<sup>6</sup> Please note: in-donor refugee costs, reported by OECD DAC members as ODA, grew from 1% in 1992 to 14% in 2022, i.e. over 30 billion US \$ (OECD).

