

## **CHALLENGES AND PROSPECTS FOR REFORMING THE LEGAL MECHANISMS OF THE UN HUMAN RIGHTS COUNCIL**

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**Abstract.** *Two decades after its creation, the United Nations Human Rights Council faces a convergence of political and financial pressures that has placed reform of its legal mechanisms firmly on the international agenda. This paper surveys the Council's own incremental review practice since 2011, the efficiency measures adopted since 2015, and the system-wide UN80 Initiative launched in 2025 amid the Organization's liquidity crisis, and argues that the Council's resolution-based legal foundation makes administrative and procedural reform considerably more likely, in the near term, than structural change to its membership or the binding force of its recommendations.*

**Keywords:** *Human Rights Council, reform, Universal Periodic Review, special procedures, UN80 Initiative, budget, mandate review, United Nations.*

Twenty years after General Assembly resolution 60/251 replaced the Commission on Human Rights with the Human Rights Council, the question of reform has returned to the Council's own agenda with renewed urgency, driven less by any single crisis than by the cumulative weight of long-standing criticism and a newly acute financial constraint [1]. The Council's own comprehensive review of its working methods, mandated by its founding resolution and conducted in 2011



through resolution 16/21, offers an instructive precedent: after extensive consultation, the review reaffirmed the Council's basic institutional architecture — the Universal Periodic Review, the Special Procedures system, the Complaint Procedure and the Advisory Committee — while introducing only incremental adjustments to working methods, a pattern illustrating how difficult structural reform has proven once the 2006–2007 institutional settlement took effect [2].

The Council's own institutional history supplies a useful, if sobering, benchmark for what genuine structural reform actually requires. The 2006 transition from the Commission on Human Rights to the Council was not achieved through the Commission's own internal reform process — which had, by the early 2000s, repeatedly failed to address the criticisms leveled at it — but through an entirely new General Assembly resolution establishing a successor body with a different name, an enlarged mandate, and a new central mechanism in the Universal Periodic Review [1]. If a comparable threshold of political will were required to address the Council's own current shortcomings, the more modest ambitions of the 2011 review, the 2015 efficiency drive, and the ongoing UN80 process would represent a considerably lower bar — one more likely to be cleared, but also one correspondingly less likely to resolve the selectivity and enforcement concerns that have persisted since 2006.

The challenges motivating renewed reform interest are, in substance, the same that have accompanied the Council since its creation. Elections to its forty-seven seats generally proceed through uncontested regional slates, allowing States with documented human-rights concerns to secure membership without

competition; a standing agenda item devoted uniquely to a single situation continues to draw charges of disproportionate focus; and the Council's predominantly recommendatory outputs remain dependent on state cooperation that individual Member States can, and periodically do, withhold — as the United States demonstrated when it confirmed in February 2025 that it would not seek re-election to the Council and, in November 2025, declined to participate in its own scheduled Universal Periodic Review [3].

Beyond the incremental adjustments actually adopted, a recurring set of more far-reaching reform proposals has circulated in Council debates and academic commentary without securing the consensus needed for adoption. These include converting Council membership from an elected to a universal basis, thereby removing the regional-slate elections that currently allow States with contested human-rights records to secure seats without competition; attaching binding force, or at least a formal compliance-review mechanism, to recommendations a State has already accepted under the Universal Periodic Review; and introducing substantive human-rights vetting criteria for candidacy, going beyond the voluntary pledges currently required under resolution 60/251. None of these proposals has advanced beyond discussion, precisely because each would require revisiting the same resolution-based settlement that a two-thirds majority of the General Assembly agreed upon in 2006, and no comparable majority has since emerged in favor of reopening it [1].

Reform pressure specific to the Universal Periodic Review has followed a somewhat more concrete path. Having completed three full cycles with universal

participation by 2022, the Council shifted the emphasis of the fourth cycle, through resolution 51/30, toward strengthening implementation of and follow-up on recommendations already accepted, rather than toward generating new recommendations alone — a direct legislative response to a long-standing criticism that the Review's universality had not been matched by comparable attention to what happens after a State leaves the Working Group room. Whether this shift produces measurably better implementation rates, or simply relocates the same follow-up gap to a later stage of the cycle, remains to be assessed once the fourth cycle concludes in 2027, but it illustrates that even reform confined to a single mechanism can proceed through ordinary Council resolutions without requiring the broader institutional consensus that structural change would demand.

Alongside these unresolved structural questions, the Council has pursued a more modest, largely successful track of internal efficiency reform since 2015, when the German Presidency and the Universal Rights Group launched a sustained effort to streamline its working methods. That effort has produced the biennialization of numerous resolutions, a multiyear calendar intended to reduce scheduling overlap, and, in 2025, the merger of two thematic Special Procedures mandates — concrete, if modest, evidence that administrative reform within the existing architecture remains achievable through consensus [4]. What this track has not yet produced is a systematic review of the Council's full mandate portfolio capable of identifying overlap or redundancy across its fifty-nine current Special Procedures mandates, a gap the Council's own efficiency advocates have repeatedly identified as unfinished business [4].



The most consequential current driver of reform is external to the Council itself: the UN80 Initiative, launched by the Secretary-General on 12 March 2025 to mark the Organization's eightieth anniversary and to address a deepening liquidity crisis, commits the United Nations system as a whole to a review of internal efficiency, of mandate implementation across some four thousand mandate documents, and of structural alignment across the Organization's peace-and-security, development and human-rights pillars [5]. For the Human Rights Council, the Initiative carries both opportunity and risk. On one hand, a General Assembly resolution adopted within this framework has, for the first time, required new and renewed mandates to include explicit review clauses — timelines, indicators and criteria against which their continued necessity can be assessed — a procedural innovation the Council's own 2011 review did not achieve [6]. On the other hand, independent monitors have warned that the revised 2026 budget proposals arising from the same process disproportionately reduce funding for the already chronically underfunded human-rights pillar relative to the Organization's other pillars, prompting Member States, including Brazil, to call explicitly for safeguarding the Special Procedures, treaty bodies and Universal Periodic Review from further cuts [7].

A further structural constraint on reform concerns the Council's financing. The Office of the High Commissioner for Human Rights, which services the Council and its mechanisms, continues to receive only a small share of the United Nations' regular budget relative to the peace-and-security and development pillars, and depends on voluntary extrabudgetary contributions to fund a considerable portion of its Special Procedures and treaty-body support work. This financing



structure leaves the practical reach of the Council's mechanisms unusually exposed to the same liquidity pressures now driving the UN80 process, since a reduction in either regular-budget allocation or voluntary contributions translates directly into fewer country visits, fewer investigations, and slower processing of the communications examined under the Complaint Procedure [7].

Read together, these developments suggest a reasonably clear near-term trajectory. Because the Council's legal foundation is a General Assembly resolution rather than a Charter provision, any reform of its core architecture — toward universal membership, binding force for accepted recommendations, or removal of the item most frequently cited as evidence of selectivity — requires the same broad political consensus that produced the comparatively cautious 2011 review, a consensus recent practice, including the United States' withdrawal, suggests remains difficult to assemble. Reform confined to administrative efficiency and mandate rationalization, by contrast, has already demonstrated a workable, if slow, path to consensus, first through the Council's own 2015-era efficiency drive and now through the UN80 process. The most realistic prospect for the coming cycle is accordingly incremental: consolidation of overlapping mandates, clearer review criteria for new mechanisms, and continued advocacy — including by budget-contributing Member States — to ensure that financial retrenchment does not, in practice, achieve through funding cuts a narrowing of mandate that a direct vote on the Council's founding architecture would not command support to enact.



### References:

1. UN General Assembly, Resolution 60/251, "Human Rights Council," UN Doc. A/RES/60/251, 15 March 2006.
2. UN Human Rights Council, Resolution 16/21, "Review of the work and functioning of the Human Rights Council," 25 March 2011.
3. American Society of International Law, "Trump Withdraws US from UN Human Rights Council, UNRWA, and Orders Review of UNESCO Involvement," International Law in Brief, March 2025.
4. Universal Rights Group, "It is time for States and other actors at the Human Rights Council to 'get serious' about UN80...", 2026.
5. UN Office at Geneva / UN News, "UN80 Initiative: 'Critical new phase' for UN reform effort," May 2026.
6. Universal Rights Group, "Are the UN human rights pillar's financial investments consistent with the UN80 imperative...", 2026.
7. International Service for Human Rights (ISHR), "UN80 Initiative: proposed budget cuts disproportionately hit the human rights pillar," January 2026; UN Press, "Human Rights Council President Presents Report, as General Assembly Speakers Call for End to Double Standards, Collaboration between Geneva, New York," October 2025.