

Issue Brief

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UN Human Rights Council: Overview & Causes for Concern

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In 2006, the United Nations General Assembly created the Human Rights Council to replace the badly discredited Commission on Human Rights.¹ Presuming upon their own goodness, national delegations gave the Council more autonomy and arbitrary powers to monitor nations. They did leave intact the treaty monitoring system by which nations that ratified UN international covenants must appear before the corresponding treaty committee about every four years. However, the General Assembly directed the Council to create the Universal Periodic Review (UPR), forming itself into a compliance committee before whom every UN Member Nation is required to appear every four years, to hold them accountable not only to treaty obligations (which may include those they never ratified), but to every goal and commitment approved in UN conferences and summits. The goal of the Council, including through the UPR process, is to hold every nation accountable to their view of “human rights”, which goes far beyond the natural law, Common Law, American or historic understanding of human rights.

Commission on Human Rights: Good Start, Decline, Abolishment

In 1945, at the end of World War II, when 51 nations met in San Francisco and created the United Nations, the issue of human rights was of great concern to vulnerable and developing countries. Therefore, the delegations agreed that once established, a top priority of the Economic and Social Council (ECOSOC) – which oversees human rights, social and economic matters – must be to create a commission to address human rights issues.² The Commission on Human Rights (CHR) was authorized in 1946, and became operational in 1947. The United States was a member every year except one (2002³) between 1947 and 2006, when the CHR was abolished.⁴ The CHR had a great start with Eleanor Roosevelt as the first chairman. Its first major accomplishment was the drafting and successful passage of the Universal Declaration of Human Rights by 10 December 1948.

Even so, during the last few decades, the CHR developed a reputation for impotence in the face of genocides and egregious human rights violations. For example, when the Khmer Rouge took control of Cambodia in 1975, and killed or caused the death of about 2 million people within three years, the UN

and CHR did nothing. In 1994 in Rwanda, when one tribal group murdered 800,000 of another, the UN officers and peacekeepers in country did nothing, and the CHR was silent. In 2005, while I was in the CHR chamber in Geneva, and they were discussing a resolution on Sudan, they did not have the courage to even acknowledge the genocide being perpetrated by the government and its allied militant forces.

Human Rights Council Established

The United States and other nations realized that national, international and United Nations efforts to properly address human rights violations were compromised by the CHR's ineffectiveness. Therefore, on 15 March 2006, the UN General Assembly adopted a resolution to abolish the CHR and create a new Human Rights Council.⁵ However, the United States and three other nations voted against the resolution. U.S. Ambassador John Bolton and the George W. Bush Administration had worked fervently to get the Council plan (in the resolution) revised to prevent the same problems that jeopardized the CHR, but did not succeed. One key change the USA proposed was to require a two-thirds majority vote of the General Assembly, instead of a simple majority; the USA hoped that raising the membership standards would prevent known human rights violator nations from gaining sufficient votes.⁶ The new Council was established as a separate and nearly autonomous entity, accountable only to the General Assembly, and thus on an equal level with the Economic and Social Council.

Council Membership, Terms & Sessions

The Council has 47-member nations. Each year, countries compete within their geographical groups for one of the open seats on the Council, and must receive a majority of votes from all Member Nations of the General Assembly. The term of membership is three years, and a country can be elected to a second term of three years. But unlike the CHR which allowed endless consecutive terms, a country can only serve two consecutive terms, and then is ineligible for immediate re-election.⁷ The names of the current members and

their proscribed geographical distribution are listed below.⁸ (See the next section for explanations of the

Africa (13)

Angola (poor; 2)
 Burkina Faso (mixed; 2)
 Cameroon (poor; 2WL)
 Djibouti (poor; 2)
 Gabon (poor; 2WL)
 Ghana (mixed; 2)
 Libya (poor; 2WL)
 Mauritania (mixed; 3)
 Mauritius (mixed; 1)
 Nigeria (poor; 1)
 Senegal (mixed; 2WL)
 Uganda (poor; 2)
 Zambia (poor; 2)

Asia (13)

Bahrain (poor; 2)
 Bangladesh (2WL)
 China (poor; 2WL)
 Japan (2)
 Jordan (poor; 2)
 Kyrgyzstan (poor; 2)
 Malaysia (mixed; 2WL)
 Maldives (mixed; 2WL)
 Pakistan (poor; 2)
 Qatar (mixed; 2WL)
 Republic of Korea (1)
 Saudi Arabia (poor; 3)
 Thailand (poor; 2WL)

Eastern Europe (6)

Hungary (mixed; 2)
 Moldova (mixed; 2WL)
 Poland (mixed; 1)
 Russian Federation (poor; 2WL)
 Slovakia (mixed; 2)
 Ukraine (poor; 2)

Latin America & Caribbean (8)

Argentina (mixed; 2)
 Brazil (poor; 2)
 Chile (2)
 Cuba (poor; 3)
 Ecuador (mixed; 2)
 Guatemala (mixed; 2WL)
 Mexico (mixed; 2)
 Uruguay (2)

Western Europe & Other (7)

Belgium (1)
 France (1)
 Norway (1)
 Spain (1)
 Switzerland (2)
 United Kingdom (1)
 United States (1)

notations after their country names.)

The United States declined to seek membership on the Council until 2009, when the newly elected President Obama sought and successfully gained a seat for his Administration. This is part of President

Obama's "new era of engagement" foreign policy, and his and Secretary of State Clinton's agenda to "help shape global rules" on human rights according to their views. Upon hearing of the decision, John Bolton countered, "There is no concrete American interest served by this, and it legitimizes something that doesn't deserve legitimacy."⁹

The Human Rights Council meets for a minimum of three sessions, for a total of at least 10 weeks each year. In addition, the Council meets for three separate two-week sessions to conduct the Universal Periodic Review (see last page).

Many Council Member Nations have Poor Human Rights Records

In the above list, you may have noticed many countries with a history of human rights abuses. The U.S. Department of State carefully documents and assesses each country, working with our own embassies and other sources, to prepare annual reports. The Human Rights Reports¹⁰ analyze each country based on respect for, or abuses of, human rights. The classification of "poor" after their name above indicates numerous human rights violations, mostly carried out by the government and its police or military forces. Of the 47 Council nations, 19 have a "poor" human rights record.

The Trafficking in Persons Report ranks countries as follows (also noted above):

- Tier 1: meets minimum standards to combat trafficking;
- Tier 2: does not fully meet standards, but "making significant efforts";
- Tier 2 Watch List (2WL): severe trafficking problems or other factors;
- Tier 3: "not making significant efforts" to hinder or stop trafficking.¹¹

Regarding the level of national commitment to

combat human trafficking, of the 47 Council nations: 10 are rated as Tier 1; 21 as Tier 2; 13 as Tier 2 Watch List; and 3 as Tier 3.

The International Religious Freedom Reports¹² list "Countries of Particular Concern" (CPC) – diplomatic language for the worst violators of religious freedom – and secondly lists other nations with serious violations. China and Saudi Arabia are "CPC" countries; Cuba, Pakistan and Russia were noted as nations with little respect for religious freedom and numerous violations. In some other Council nations, although freedom of religion may be guaranteed in their constitutions, there remains almost no religious freedom, particularly in Muslim nations.

Fear of Criticizing Peer Nations

The United Nations is an organization of sovereign nations, and thus of peers, who are deeply affected by peer pressure, and retain an almost uncompromising commitment to not offend or criticize other nations and their leaders or representatives. Mutual respect is essential in a home, community, nation and among nations. However, when fear and cowardice are couched in words and terms of respect, true mutual respect, and the truth, are lost.

Human Rights Violators Judge All Nations

Every nation with a poor human rights record was on the Commission on Human Rights at one time or another, most for many terms. CHR members found it nearly impossible to criticize any nation from their regional group, or that was represented in the conference room. At least on the Council, the number of such nations is less than it was on the CHR. Even so, as the list above reveals, the vast majority of Member Nations do not have a deep respect for human rights and the inherent dignity and worth of every person.

Therefore, nations such as China, Cuba, Pakistan, Russia and Saudi Arabia sit in judgment upon other nations as to how well they are respecting the freedom

of religion, freedom of speech, voting rights, equality before the law, and other human rights. Some of the countries with the worst problems of human trafficking – Cuba, Mauritania and Saudi Arabia – as well as the other 34 nations that are Tier 2 or Tier 2 Watch List – all sit in judgment upon one another and other countries regarding respect for the sanctity of human life, dignity and sexuality.

The United States, especially during the current Obama Administration, is also severely compromising international efforts to protect and promote inherent human rights. Two of their most damaging initiatives are declaring abortion a reproductive right for girls and women; and promoting so called “sexual orientation” and homosexual “rights” as “human rights.” The Administration aggressively seeks to impose these policies upon other nations through the State Department, U.S. embassies, and at the UN. They do so even though abortion takes the life of innocent defenseless children, and upholding “sexual orientation” as a

so-called “human right” requires the destruction of freedoms of religion, speech and the press.

Universal Periodic Review

The Council convenes as a quasi-judicial body to evaluate the human rights compliance records and efforts of nations. During each two-week session, they review 16 nations. They hold three sessions a year, reviewing 48 countries a year, and all 192 UN Member Nations every four years. The first cycle of reviews will be completed in 2011. The United States was reviewed in 2010. Subsequent briefs will cover the UPR and the USA review, and other concerns about the Council and its work.

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1. Resolution Adopted by the General Assembly, Human Rights Council. A/Res/60/251.
2. Charter of the United Nations, Article 68.
3. The United States always has to compete with the Western group of nations for a seat on UN commissions, and did not receive enough votes for the first time to keep its seat on the CHR. The George W. Bush Administration then successfully lobbied the other western nations to regain its seat. See, “US Regains Seat on UN Human Rights Commission,” *VOMNews.com*, 29 April 2002.
4. ECOSOC abolished the CHR effective 16 June 2006; see A/Res/60/251, par. 13.
5. *Ibid.*, A/Res/60/251, par. 13.
6. “U.S. to Vote No on New U.N. Rights Council,” by Warren Hoge, *NYTimes.com*, 15 March 2006. “Human Rights Council: US Opposes UN’s Planned Rights Panel,” by Colum Lynch, *The Washington Post*, 1 March 2006.
7. *Op. cit.*, A/Res/60/251, par. 7.
8. “Membership of the Human Rights Council 19 June 2010 – 18 June 2011 – by Regional Groups.” www2.ohchr.org/english/bodies/hrcouncil/groups1011
9. “U.S. to Join U.N. Human Rights Council, Reversing Bush Policy,” by Colum Lynch, *The Washington Post*, 31 March 2009.
10. “Human Rights Report, 2007,” U.S. Department of State. www.state.gov/g/drl/rls/hrrprt
11. “Tier Placements,” Trafficking in Persons Report 2010, U.S. Department of State. www.state.gov/g/tip/rls/tiprpt/2010/142755
12. “2008 Report on International Religious Freedom,” and “2007 Report on International Religious Freedom,” U.S. Department of State.