



REPORT CARD: UN HUMAN RIGHTS COUNCIL SECOND REGULAR AND THIRD SPECIAL SESSIONS

November 24, 2006

Summary

- Ending politicization and selectivity: FAIL
- Addressing gross human rights violations: FAIL
- Establishing effective mechanisms: NEEDS IMPROVEMENT
- Ensuring robust NGO participation: SATISFACTORY
- Creating a new culture of dialogue and cooperation: POOR
- Championing the UN Charter's democratic values: POOR

Introduction

As part of its ongoing commitment to the development of a credible and effective UN Human Rights Council, UN Watch presents its second Report Card to assess the newly formed body's recent performance during the second regular session (September 18 to October 6, 2006) and third special session (November 15, 2006).¹ By recognizing the Council's accomplishments and shortcomings, stakeholders can identify the areas that require urgent attention. In the sections that follow, we assess the Council's performance in six important areas: (1) ending politicization and selectivity, (2) addressing gross human rights violations, (3) establishing effective mechanisms, (4) ensuring robust NGO participation; (5) creating a new culture of dialogue and cooperation, and (6) championing the UN Charter's democratic values. Finally, we provide some recommendations for the upcoming session and beyond.

Regrettably, the Council continues to disappoint. The Council has failed to take any action on genocide in Darfur, mass killings of Shiites and Sunni in Iraq, or repression in Belarus, China, Zimbabwe, or to scrutinize any other of the serial abusers that require immediate attention. Instead, contrary to the repeated appeals of UN Secretary-General Kofi Annan for objectivity and universality, the Council has devoted 100% of its censure powers to one-sided condemnations of Israel, in four country-specific resolutions² and

¹ For our assessment of the Council's disappointing first regular session and first and second special sessions, see our September report, "[Reform or Regression?](http://www.unwatch.org)", available at www.unwatch.org, under Our Work, Reports.

² The first resolution against Israel was adopted at the Council's first regular session, in June. The other three were from the three special sessions on Israel, held on July 5-6, August 11, and last week.

three special sessions. It has yet to pass a resolution or convene a special session against any other state.

To its credit, the Council at its second regular session heard more than 40 expert reports identifying serious human rights issues in many countries, including Burma, Cuba, North Korea, and Sudan. Regrettably, however, it acted on none of them. While it noticeably did not adopt any resolutions against Israel at the second session, this is only because the session was suspended before adopting any substantive resolutions at all. The session's draft resolutions, reports and debates still singled out Israel, both quantitatively and qualitatively, for differential treatment. Three draft anti-Israel resolutions remain pending, and they will be considered when the Council begins meeting again on Monday, November 27.

Although these censures of Israel are to be considered shortly, it was nevertheless deemed necessary last week to convene the third special session on related issues. Like the two previous special sessions, the November 15 meeting was called by the Council's Arab and Islamic members solely to denounce Israel, and resulted in the Council's fourth condemnatory resolution against the Jewish state. The Palestinians systematic Kassam rockets attacks—one of which nearly killed High Commissioner Louise Arbour this week—was dismissed at the Council as mere “Christmas fire-crackers.”³

But what plagues the Council is by no means limited to its one-sided obsession to condemning Jerusalem. At the second regular session, abuser states continued to fight the creation of effective new mechanisms such as universal periodic review and reinvigorated mandates for the independent monitors. They also continued to try to prevent robust NGO participation, and they succeeded in imposing some limitations. The outnumbered Western democracies tried to oppose these persistent spoilers but are fighting an uphill battle.

The Council's overall tone continued to be contentious and confrontational—far from the new culture of “dialogue and cooperation” envisioned in the Council's founding resolution. The abuser states have been more proactive, better organized, and more cohesive than the liberal democracies and as a result have consistently dominated the debate. The Council's human rights supporting states must begin now to work together to retake the Council, before it is too late.

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³ Remarks of Palestinian representative, 3rd Special Session, Nov. 15, 2006.

REPORT CARD: UN HUMAN RIGHTS COUNCIL, SECOND REGULAR AND THIRD SPECIAL SESSION

Ending Politicization and Selectivity: FAIL

The politicization and selectivity that discredited the Commission on Human Rights has not diminished with the advent of its replacement. On the contrary, the Council's actions have been marked by gross disregard for compelling situations of human rights violations around the globe.

The primary instance of politicization and selectivity has been the Council's sole focus on Israel to the exclusion of every other country in the world. The Council's second regular session did not adopt any anti-Israel resolutions only because it suspended decision on all resolutions until later. Forty-four draft resolutions were proposed, five of which alleged violations in specific countries—three harsh, Islamic-group sponsored texts against Israel, and one soft text each on Sri Lanka and Sudan (concerning Darfur).⁴ Had they been put to a vote, the anti-Israel drafts easily would have passed the Council, due to the Islamic group's domination of the body.⁵ Instead of voting, however, the Council's President persuaded the members to postpone considering the 44 proposals until the next regular session, which begins on November 27,⁶ and instead try to negotiate a single Presidential Statement on fewer issues. But even the Presidential Statement, on which the Council was unable to agree, would have addressed Israel (as well as Darfur, "incitement of religious hatred," and the right to development) and, like the draft resolutions, it used harsher language towards Israel than towards Sudan.

⁴ The difference in tone taken towards the three countries is striking. The anti-Israel drafts, alleging violations relating to the Golan Heights, Palestinian territories, and settlements, condemn Israel for long lists of alleged "flagrant" human rights violations. The draft on Sri Lanka, by contrast, is only three paragraphs long, and simply expresses "concern" at recent violence, urges "all parties" to respect human rights and humanitarian law, and "welcomes" the Government of Sri Lanka's "constructive conduct." Even the European Union draft on Darfur is similarly short and soft—and weaker than the faint "Technical Cooperation" resolution on Sudan adopted by the 2005 Commission. It merely "notes with deep concern" the serious situation in Darfur, and even "welcomes" the Sudanese government's "cooperation" and urges the international community to give it financial support. The closest it comes to criticism is merely "emphasiz[ing] the primary obligation of the Government of Sudan to protect all individuals against violations"—a far cry from accusing it of committing violations. (A competing draft on Darfur, proposed by the African group, is even weaker.)

⁵ The Islamic group controls the Council's two largest regional blocs, the African and Asian groups, and thereby controls a majority of the Council.

⁶ To date, a full 100% of the Council's resolutions criticizing specific countries have been against Israel. Even if all five pending country resolutions (the three on Israel and the one each on Sri Lanka and Sudan) are adopted at the November 28 to December 8 session, the Council will have passed 77% of its country-specific resolutions against Israel. This record would still be worse than that of the Commission on Human Rights in its worst years, when half of its country-specific resolutions were against Israel. Moreover, if the Islamic group opposes the resolutions on Sri Lanka and Sudan, it could well be the case that the only country-specific resolutions adopted would again be against Israel.

Israel also featured disproportionately in the second session's substantive debate. Much of the time was spent on reports by the High Commissioner for Human Rights and the "Special Procedures," the independent experts mandated to investigate human rights issues around the world. The High Commissioner's presentation featured her concern over the human rights situation in the Occupied Palestinian Territories, and announced her decision to visit there soon.⁷ She also transmitted to the Council various written reports, including four on Israel.⁸ The Special Procedures made 39 presentations of annual reports prepared for the truncated March 2006 final session of the Commission on Human Rights. Among these was the report, always highly critical of Israel, of the Special Rapporteur on the Occupied Palestinian Territories, Mr. John Dugard—whose one-sided mandate extends only to Israeli violations, and whose anti-Israel bias stands out even at the UN.⁹ The report of the Special Rapporteur on the situation of human rights defenders, Ms. Hina Jilani, also discussed her visit last year to Israel and the Palestinian territories.

In addition, Israel was the only country in the entire world that was the subject of any new expert reports—and not just one new report, but four. As required by the resolutions from the Council's first and second special sessions, which blamed Israel alone for violations in the recent conflicts in Gaza and Lebanon, Mr. Dugard presented a critical report on Israel's recent actions in Gaza and there was a brief update from the ongoing "Commission of Inquiry" on Lebanon.¹⁰ Additionally, four special rapporteurs—Philip Alston, on extrajudicial executions; Paul Hunt, on the right to health; Walter Kalin, on the rights of internally displaced persons; and Miloon Kothari, on the right to housing—presented a joint report on their September visit to Israel and Lebanon, and the Special Rapporteur on the right to food, Jean Ziegler, presented a report on his September visit to Lebanon.

The four rapporteurs' joint report—which, in a rare attempt at balance, cited both Israel and Hezbollah for human rights and humanitarian law violations during the July/August conflict¹¹—originally was to be the sole presentation at the Council meeting

⁷ The High Commissioner's visit to Israel and the territories is taking place from November 19 to 24.

⁸ These reports concerned the human rights situation in the Occupied Syrian Golan, the issue of Palestinian pregnant women giving birth at Israeli checkpoints, the advisory International Court of Justice opinion concerning Israel's security fence, and a 2001 fact-finding mission to the Occupied Palestinian Territories.

⁹ Mr. Dugard has gone so far as to laud Palestinian armed groups for confronting the Israeli army "with new determination, daring, and success," and he regularly rails against the Quartet—which includes the UN—and the Road Map as being too pro-Israel.

¹⁰ The report of the Lebanon Commission—which was only mandated to investigate Israeli violations—was issued on November 21, and it is as one-sided as the Commission's mandate. It will be presented to the Council during its next session (November 27 to December 8).

¹¹ The report even went so far as to criticize the Council's one-sided treatment of the conflict, recommending that the Council, "having addressed the conduct of Israel, . . . should also ensure that Hizbollah's attacks are thoroughly investigated."

on Lebanon. However, after the joint report was circulated, and presumably because its content displeased certain Council members, an additional presentation was added: Mr. Ziegler's report, which criticized only Israel. Mr. Ziegler has been reprimanded in the past by Secretary-General Kofi Annan and High Commissioner for Human Rights Louise Arbour for extreme anti-Israel comments, and, while visiting Lebanon, expressed public support and sympathy for Hezbollah.¹² His mandate is only the right to food, but his report broadly condemned Israeli "war crimes." Predictably, after the two reports were presented, Islamic-group countries and their allies lined up one after the other to condemn the joint report as too soft on Israel and to praise Mr. Ziegler's report.¹³

The Islamic group members also are seeking to render the Council's system of special rapporteurs, which is currently under review, exclusively anti-Israel. Under their proposal, the only country-specific mandate left would be Mr. Dugard's, and all of the mandates addressing human rights themes would focus on Israel as well.

Finally, for the third time in the Council's first five months, Israel was again the target of a special session called by the Council's Arab and Islamic states.¹⁴ The pretext for the session was the tragic deaths of 19 in the Gaza town of Beit Hanoun resulting from errant Israeli artillery fire in response to Palestinian rocket attacks—for which Israel had already expressed its profound regret and begun an investigation. The one-sided, Arab- and Islamic-group sponsored resolution exploited the accident by twisting it into a "willful killing." It made no mention of the real intentional killing of civilians by Hamas, Islamic Jihad, and other Palestinian groups, for which they openly express pride.¹⁵ After finding Israel guilty it then dispatched yet another "fact-finding mission" to investigate Israel.¹⁶ When condemning Israel the Council operates by reversing the rules of justice:

¹² He was quoted in the September 18, 2006 edition of the newspaper *Al Akhbar* as saying, "I refuse to describe Hezbollah as a terrorist organization. It is a national movement of resistance. When all the efforts to bring about the liberation of prisoners by diplomatic means have failed, I can understand Hezbollah when they kidnap soldiers [in order to] exchange them."

¹³ The speakers were Pakistan (for the Islamic group), Bahrain (for the Arab League), Egypt, Iran, Saudi Arabia, Bangladesh, Malaysia, United Arab Emirates, Syria, Morocco, Kuwait, Indonesia, Algeria, Azerbaijan, Libya, Palestine, Tunisia, Jordan, China, Cuba, and the Russian Federation. Only Canada, Switzerland, the U.S., Finland (for the EU) and Chile defended the four rapporteurs' attempt at balance.

¹⁴ The Council's founding resolution provides that special sessions can be called by one-third, or 16, of the Council's members. Islamic group members hold 17 Council seats, and so have the ability to convene such sessions at will.

¹⁵ The fact that, on the morning of the special session, Palestinian rockets killed one Israeli civilian and injured two others made this omission—and the Palestinian Authority ambassador's assertion at the session that their rockets were merely "Christmas firecrackers" that "would frighten only a hen"—particularly galling.

¹⁶ As discussed above in the paragraph on the four new expert reports on Israel that were presented at the second regular session, the resolutions from the first and second special sessions also mandated investigations of Israeli conduct, in Gaza and Lebanon, respectively. In addition, at the time of the third special session, the UN High Commissioner for Human Rights, Louise Arbour, was about to leave Geneva for the region for her own mission to the Occupied Territories. And two days after the special Council session in Geneva, the UN General Assembly met in emergency special session in New York to pass its

first the verdict is declared and then facts are gathered. The resolution, which passed over the objections of most of the Council's Western democracies,¹⁷ is the fourth condemnatory resolution that the Council has passed against Israel. After two regular sessions and three special sessions, it still has passed not a single critical resolution against any of the other 192 UN member states.

Addressing Gross Human Rights Violations: FAIL

As discussed above, the second Council session ended without any substantive action. Although the Council had heard more than 40 special rapporteurs' reports identifying serious human rights issues in many countries, including Belarus, Burma/Myanmar, Cuba, North Korea, and Sudan, it acted on none of them.

Given its record of only taking substantive action against Israel, the Council needs to show that it is willing and able to act against at least some of the many countries in the world that violate human rights.¹⁸ So far, it has utterly failed to do so. The Council's inaction on Darfur—where worsening atrocities are occurring daily and which Secretary-General Annan, other UN officials (including the special rapporteurs on extrajudicial killings, violence against women, and Sudan), and human rights activists have begged the Council to address¹⁹—is particularly appalling.

To their credit, some of the Council's democratic members have repeatedly stressed how important it is that the Council address Darfur²⁰—but they do not seem to have either the will or the power to make this happen. The EU did propose a draft Darfur resolution, but they so wanted to obtain the Africa group's agreement that they were willing to settle for weak language. Unfortunately, due to the Council's makeup—and in

own resolution condemning Israel and dispatching another fact-finding mission to investigate the incident at Beit Hanoun.

¹⁷ The vote was 32-8 with 6 abstentions. The no votes were from Canada, the Czech Republic, Finland, Germany, the Netherlands, Poland, Romania, and the United Kingdom. France, Guatemala, Japan, South Korea, Switzerland, and Ukraine abstained.

¹⁸ A list of [compelling situations](#) of human rights violations around the world that UN Watch and a coalition of NGOs urged the Council to address is available at www.unwatch.org, UN Testimony, June 26, 2006.

¹⁹ In his message to the second session's opening, Secretary-General Annan noted the Council's previous focus on the Middle East and stated: "I trust you will focus the same vigilance on violations and abuses wherever they may occur. At the present time I feel I must draw your attention especially to those to which the people of Darfur are being subjected, and which threaten to get even worse in the near future." Mr. Annan repeated these sentiments on November 21, again urging the Council to broaden its focus beyond Israel and consider "Darfur and other issues." See UN Watch's Sept. 27, 2006 [statement](#) urging the Council to act on Darfur (available at www.unwatch.org, UN Testimony).

²⁰ This point was made particularly strongly by the EU, Canada and Switzerland. Switzerland even suggested a high-level mission to Sudan, like the ongoing one to Lebanon, that would report to the Council's next session.

particular the dominance of the Islamic and African groups—soft action on Darfur may be the best that can be hoped for.

Establishing Effective Mechanisms: NEEDS IMPROVEMENT

Council working groups continued, slowly, to review the mechanisms inherited from the Commission and to establish a new system of Universal Periodic Review to assess every UN member state's human rights performance. These groups will not present their final recommendations until next year, so it remains unclear whether they will choose to implement meaningful changes, to preserve the status quo, or worse.

On the review of mechanisms, it is a positive sign that the working group's facilitator, the Ambassador of the Czech Republic, called the Special Procedures “an essential mechanism to promote and monitor human rights.” This role was all the more evident at the second session, where the experts' reports on many serious human rights situations were the only attention these situations received. The rapporteurs forced Council members to at least hear about human rights violations they would rather ignore.

It is therefore not surprising that abuser states, led by China and Cuba and including many from the Council's Islamic, African and Asian groups, are fighting hard to abolish the country rapporteurs—except for the mandate on Israeli violations, held by John Dugard, which they want to continue indefinitely.²¹ Although they say that they are opposed to all criticism of specific countries, in fact they only oppose criticism of themselves.²² To their credit, the Council's democracies—particularly the EU, Switzerland, Canada, Brazil, Peru and South Korea—spoke out at the second session in favor of maintaining a strong system of both thematic and country rapporteurs.²³

The abuser states also are trying their best to prevent the creation of a meaningful system of Universal Periodic Review. In their view, the information on which the review is based would come only from the government of the country under review—not from individual victims, non-governmental organizations, the media, or even the UN High Commissioner for Human Rights. Developed countries would be reviewed more often than developing ones, and the review would vary based on each country's “religious and socio-cultural specificities.” The review panel would be chaired by a country from the reviewed country's regional group, and NGOs would not be allowed to participate in the

²¹ China tried to explain this contradictory position by arguing that Mr. Dugard's mandate “does not fall under country-specific mandates [but] is fundamentally different – it deals with occupation” and “occupation constitutes the worst form of human rights violations.” Somehow, we suspect that China would feel very differently about a mandate concerning its decades-long occupation of Tibet.

²² These states have no problem with Mr. Dugard, or with Jean Ziegler, the rapporteur on the right to food, who regularly castigates not just Israel, but also the U.S. They also have supported the anti-Israel special sessions and resolutions of the Council's first five months.

²³ Switzerland even noted, after China's assertion that Mr. Dugard's mandate is not country-specific, that “there was a divergence of views on that matter.”

panel's discussion. And the review would never result in censure of the country (except, one suspects, in the cases of Israel and the U.S.). So far, the Council's democracies have been opposed to these proposals.

As the working groups continue to consider these issues, the Council's human rights supporting states will need to remain strong against the persistent anti-reform efforts of the body's repressive regimes.

Ensuring Robust NGO Participation: SATISFACTORY

The Council President, supported by democratic member states, tried to resist the repressive regimes' efforts to restrict the participation of non-governmental organizations. But the abusers' power in the Council, and their persistence, allowed them to drag out the debate and cause the arrangements for NGO participation to be in flux for much of the session, which was confusing and frustrating for NGOs. The abuser states also succeeded in forcing less favorable rules for NGO participation in the sessions with the country rapporteurs than in those with the thematic mandate-holders.²⁴

Nevertheless, many NGOs actively participated during the three-week session, including UN Watch, which made six statements.²⁵ Unfortunately, however, some participating organizations were not, in fact, non-governmental. The little time allotted to civil society in the country sessions was, in the case of the report on Cuba, monopolized by Cuban "NGOs" that were vehemently pro-government—and certainly government-sponsored, given the Castro regime's severe restrictions on free association and travel.²⁶ Similarly, at the session on Lebanon, one of the few civil society speaking slots went to an "NGO activist" funded by Libya and directed by Hezbollah.²⁷

²⁴ For the thematic rapporteurs, NGOs participated in the "interactive dialogue" that followed each rapporteur's presentation on a similar basis as governments, making comments and asking questions to which the rapporteur then had the opportunity to respond. For the country rapporteurs, by contrast, only states were allowed to participate in the dialogue with each rapporteur. Civil society, in its entirety, was allotted only 20 minutes to comment at the end of each day (when, typically, six rapporteurs had presented), and the rapporteurs were not able to respond. Although NGOs were not happy with this outcome, it was better than the initial proposal of Cuba, China, and the Islamic group that, after the entire Council session concluded, there be a separate, special session for NGOs to comment on the country reports.

²⁵ According to statistics from the Council Secretariat, 154 NGOs, represented by 703 individual representatives, participated in the second regular Council session. NGOs delivered 152 oral statements, speaking for approximately 8.5% of the total speaking time. (For purposes of comparison, the Council President spoke for 11.7% of the time; the Special Procedures, 25.4%; Council members, 29.6%; and other states, 17.4%.)

²⁶ These "NGOs" even had a side event with the Cuban Mission.

²⁷ One of the only four NGOs allowed to speak was North-South XXI, an organization in Geneva whose Vice-President is none other than Jean Ziegler, the rapporteur who presented a report condemning Israel at the same meeting. North-South XXI manages and awards the "Moammar Khaddafi Human Rights Prize," a prize funded by the Libyan dictator, which Mr. Ziegler not only co-founded but also won. The individual who spoke for North-South XXI at the Council session was actually the representative of a Lebanese group

On a more positive note, the OHCHR (Office of the High Commissioner for Human Rights) Secretariat, and in particular its NGO Liaison office, deserve praise for their professionalism, accessibility and helpfulness under less than ideal circumstances. Their job was made more difficult at the second session by the uncertainty and changeability of the NGO arrangements. Nevertheless, they ensured that NGOs were informed of developments through their representatives in the Council chamber, their email updates, and their excellent extranet website. We wish that the Council's President and its governing Bureau had been as accessible, but regrettably, they did not continue the tradition from the Commission of having periodic open meetings with NGOs.²⁸

Another positive was that all plenary meetings of this session were webcast. This is an improvement from the first session, when only some of the meetings were webcast.

Creating a New Culture of Dialogue and Cooperation: POOR

As at previous sessions, the second session and third special session failed to live up to the Council's promise of a new culture of dialogue and cooperation. On the contrary, the tenor of debate was always highly politicized, and often accusatory and insulting. If the Council's new culture is supposed to mean more respectful debate and less inflammatory rhetoric, this most definitely has not been achieved. To give but a few examples:

- The Cuban ambassador's diatribe against the Special Rapporteur on Cuba not only viciously personally attacked her, but also insulted the U.S. government (calling it, for example, a "fascist clique")—which prompted many delegations to applaud. A parade of repressive regimes then lined up to back Cuba and denounce the rapporteur.²⁹
- Similarly, Belarus accused the Special Rapporteur on Belarus of trying to "defame and overthrow [its] government," and Cuba then lent its support, calling the expert's presentation a "repugnant spectacle."
- Zimbabwe lambasted the EU for "paternalism," "neo-colonialism," and "hypocrisy," simply for asking the Special Rapporteur on Housing about

with Hezbollah links who, not surprisingly, effusively praised Mr. Ziegler's report and echoed his call that Israeli officials be tried for war crimes.

²⁸ We hope that the fact that the Council President has scheduled a meeting with NGOs on November 22, in advance of the Council's third session, is a sign that this tradition is going to resume.

²⁹ Eleven states spoke at the session with the rapporteur on Cuba, 8 of which supported Cuba. (Three supported the rapporteur—Finland, Germany and the U.S.). Cuba's allies were Belarus, China, North Korea, Zimbabwe, Algeria, Iran, Russia, and Vietnam. All 8 are "Not Free" under Freedom House's standards and the first four are, like Cuba, among Freedom House's 2006 "Worst of the Worst."

the situation of the Zimbabweans affected by its housing demolitions of last year.

- At the second session, Israel was condemned for “aggression,” “atrocities,” “terrorism,” “impunity,” and “ethnic cleansing”—often by countries that should heed the adage that residents of glass houses should not throw stones. Ahmadinejad’s Iran called Zionism a “hegemonic ideology.” Syria, long an occupier itself, condemned Israel for occupation. Sudan condemned Israel for bombing civilians and disregarding international law—its very own violations in Darfur. A number of states also defended Palestinian terrorism as justified resistance to occupation and Palestinian terrorists as “heroes.” Pakistan, for the Islamic group, blamed the war in Lebanon as “Israel’s fault.”
- At the third special session, the Palestinian Authority dismissed its own rockets as harmless “Christmas firecrackers,” but accused Israel of committing “horrendous war crimes” in Gaza and demanded that its leaders be tried by international tribunals. Lebanon said Israel had not quenched its “thirst for blood” with the Lebanese, and so now looked to the unarmed civilians of Beit Hanoun. Bangladesh said Israel was guilty of “crimes against humanity.” Cuba said that Israel is perpetrating a “true genocide” against the Palestinian people. Sudan accused Israel of “monstrous” actions. Similar accusations came from such paragons of human rights virtue as Belarus, Iran and Venezuela.

At the second session, abuser states also frequently interrupted the Council’s substantive proceedings with “points of order” (procedural objections), particularly during country sessions and civil society statements, in apparent attempts to run out the clock on the country rapporteurs and NGOs.

Championing the UN Charter’s Democratic Values: POOR

The Council’s Western democracies are outnumbered, and at the Council they often seemed outmatched. They have not been able to persuade the Council to take substantive action on Darfur, and they could not prevent the second session’s restrictions on NGOs.

In general, the abuser states have been better organized, more cohesive, and more vocal. On most issues, the abusers dominate the debate, deftly exploiting the UN’s group system to repeatedly hammer their points.³⁰ Sadly, the Community of Democracies—

³⁰ Their various group representatives (of the Islamic group, the Africa group, the Asia group, the Arab League, the “Like Minded Group”) would speak first, followed by a long line of the same groups’ individual members—who would align themselves with the group position and then go on to reiterate all the same points. The Latin American, Western European, and Eastern European regional groups, by contrast, virtually never made group statements. The European Union sometimes did, but generally only one statement by Finland, the current president, without each individual member state following.

despite the Council membership of its current president, Mali—appears to play absolutely no role at the Council so far.

Recommendations

As a microcosm of the General Assembly the Council reflects the larger UN reality whereby non-democracies often have the upper hand. Despite this harsh reality, there is much that can be done by countries that actively support human rights. These states must immediately redouble their energy and unite to return the Council to its proper path, the fair and effective promotion and protection of human rights. Specifically:

- **The Council’s 11-member democratic alliance must convince other free and democratic members at the Council to act based on values rather than group alliances.** Fifty-three percent of the Council’s membership—25 countries—are ranked Free by Freedom House,³¹ while all 47 members pledged to uphold the highest human rights standards when they ran for election in May. Yet at the Council so far, only 11 members—Canada, Japan, and the European countries of the Czech Republic, Finland, France, Germany, the Netherlands, Poland, Romania, Ukraine and the United Kingdom—have generally stood together to defend the principles that the Council is supposed to promote.³² Not a single free democracy from Latin America or Africa, and only one from Asia, has been part of this group. And the Community of Democracies has not only played no role at the Council, its current chair, Mali, consistently has voted counter-productively to democracy and human rights.
- **The Council’s free democracies must fight the Council’s self-destructive selectivity.** They must seek and support specific action, including country-specific resolutions, against at least some of the many countries in the world that violate human rights. They also must resist the Islamic group’s continued efforts to repeatedly and one-sidedly single out only Israel. In particular, they must speak out strongly against unfair anti-Israel proposals (such as the pending draft resolutions against Israel and the proposal to abolish all country-specific mandates except Mr. Dugard’s) and in favor of a balanced approach (such as the four rapporteurs’ Lebanon report).
- **The Council’s free democracies must be more assertive and proactive,** rather than just reacting to the Islamic group and the repressive regimes. They need to speak out sooner, more often, and in greater numbers, and stop allowing the repressive regimes to dominate the debate.
- **The United States and other human rights supporting non-members must actively engage to support the above efforts.** Although not a Council member,

³¹ This is a higher percentage of Free countries than in the wider world, which is only 46% Free.

³² For ratings of the voting records of all Council members—as constructive, counter-productive, or mixed—see our September Report, “Reform or Regression?”

the U.S. government can still play an important role in helping to improve the Council. For example, it should encourage the Council's democratic alliance members to show stronger leadership, and its other free and democratic members to join the democratic alliance. It also should put pressure on its allies in the Islamic, African, Asian and Latin American groups to cease their counter-productive behavior. Other free, human rights supporting democracies that are not currently Council members also should do the same.

- **Independent experts must resist efforts to subvert their mandates.** The Council's 40 human rights monitors are meant to be independent experts but that independence is under attack by countries seeking to abuse their oversight power by co-opting the mandate-holders for political ends. The experts must exercise the kind of courage demonstrated by Asma Jahangir, the special rapporteur on freedom of religion. In June, the Council's Islamic states won adoption of a resolution instructing her to report on "defamation of religions"—part of their ongoing campaign to stoke the flames of outrage over the Danish cartoons. To their horror, however, the exercise backfired: Jahangir, addressing the Council during the second regular session, reported that human rights law was about protecting individuals, not religions. Other experts must similarly safeguard their mandates from politically-motivated subversion.