



“The State of Human Rights at the United Nations”

**Written Statement of Hillel Neuer
Executive Director, UN Watch, Geneva**

**Before the Committee on Foreign Affairs
House of Representatives
United States Congress**

***Briefing on The United Nations:
Urgent Problems that Need Congressional Action***

January 25, 2010

**Room 2172, Rayburn House Office Building
Washington, D.C.**

Introduction

Chairman Ros-Lehtinen, Ranking Member Berman, distinguished members of the Committee, thank you for inviting me to address urgent problems at the United Nations. It is an honor for me to participate in this discussion and present the views of UN Watch.

The urgent problem that I wish to address is the state of human rights at the United Nations.

As you know, the primary U.N. body in this area is the 47-nation Human Rights Council, which was created in 2006 to replace the Commission on Human Rights and redress its shortcomings. Under its founding resolution, the council was required to review its work and functioning after five years. With this review now underway at the U.N., our own discussion here is particularly timely.

Let us consider, then: How has the council performed in its first five years?

Methodology

Let us measure the council's performance by the yardstick of the U.N.'s own standards. These were set forth in 2005 by then-U.N. Secretary-General Kofi Annan. In calling to scrap the old commission, he identified its core failings:

- Countries had sought membership “not to strengthen human rights but to protect themselves against criticism or to criticize others.”
- The commission was undermined by the “politicization of its sessions” and the “selectivity of its work.”
- The commission suffered from “declining professionalism” and a “credibility deficit”— which “cast a shadow on the reputation of the United Nations system as a whole.”¹

Today, we ask: Has the council remedied these fatal flaws?

Looking ahead, the U.N. General Assembly made clear its expectations for the new council. Resolution 60/251 of 2006 promised that the new council would elect members committed to human rights. Serious violators would have their membership suspended. The council would address the world's most severe abuses, including by urgent sessions that could be easily convened. The council's work would be objective, impartial and non-selective.

Five years later, where do we stand?

¹ See *Report of the Secretary-General*, “In larger freedom: towards development, security and human rights for all,” March 21, 2005 (A/59/2005); and *Explanatory Note by the Secretary General*, Addendum 1 to “In larger freedom,” May 23, 2005 (A/59/2005/Add.1).

Membership

The majority of the council members—57 percent—fail to meet basic democracy standards as measured by Freedom House. These include the governments of Bangladesh, China, Cuba, Pakistan, Russia, and Saudi Arabia. The newest elected member is Col. Qaddafi's Libyan dictatorship.

Kenneth Roth of Human Rights Watch said this: "Imagine a jury that includes murderers and rapists, or a police force run in large part by suspected murderers and rapists who are determined to stymie investigation of their crimes." That was said in 2001 about the old commission, but it applies even more today.

Turning A Blind Eye to Victims

Apart from a handful of exceptions, such as resolutions on Burma and North Korea that were inherited from the old commission, the council has systematically turned a blind eye to the world's worst human rights violations. The council has failed the victims who are most in need of international attention.

Impunity for Worst of the Worst

- There have been no resolutions for victims in **China**, despite gross, systematic and state-wide repression, the unjust imprisonment of Nobel Laureate Liu Xiaobo, the massacre of Uighurs, and the killing of Tibetans;
- None for **Cuba**, where peaceful civic activists are beaten or languish in prison;
- None for **Iran**, even as it massacred its own citizens while the council was in session, and even as the regime continues to subject democracy activists to torture, rape and execution;
- None for **Saudi Arabia**, where women are subjugated;
- None for **Zimbabwe**, despite ongoing brutality by the Mugabe regime;
- And the list goes on. In total, beyond the impunity for the worst of the worst, approximately 180 out of 192 U.N. member states have never been condemned by the council once for any human rights violations.

What is most troubling is that no resolutions have even been *proposed* regarding these gross violators. For this the democratic minority cannot blame others. We urge the U.S., the European Union and other democracies to hold the worst abusers to account. Even if resolutions on the above countries would be defeated, their very introduction would generate diplomatic commotion and media attention, thereby accomplishing the desired goal of turning an international spotlight on abuses.

The Universal Periodic Review (UPR) mechanism was supposed to be the council's saving grace. In theory, that every country is reviewed—even if it is only once every four years, over three hours—is a positive development. In practice, however, most of the reviews have failed to be meaningful, effective, or noteworthy. During one session in 2009, Libya used the UPR to praise Cuba for “promoting freedom of thought and expression,” while China praised Saudi Arabia for its record on women's rights. For the most part, UPR has amounted to a mutual praise society.

Rather than the new council heralding increased country-specific action for victims, we have witnessed regression. The country mandates offer one example.

Disappearing Country Mandates

While the council inherited several investigative mandates on problem countries, it has steadily eliminated them. Shortly after it was created, the council removed from its watch list the situations of Cuba, Liberia, the Democratic Republic of Congo, and Belarus—a country where the dictator recently conducted a fraudulent election followed by a brutal crackdown on political opponents and human rights activists. The council has failed to add a single new country mandate.

Thematic Mandates

The addition of thematic mandates on freedom of assembly and discrimination against women are welcome. In light of past experience, however, their success will depend on ensuring that appropriate experts are appointed. At the same time, several existing thematic mandates have been distorted by the council. For example, in 2008 the council overturned protection of freedom of expression by a revised mandate, sponsored by Islamic states with Cuban support, that now polices “the abuse” of this freedom in regard to criticism of religion. Likewise, the expert on racism is often tasked with reporting only on incidents of Islamophobia. Other thematic experts are routinely intimidated by the council majority.

The Assault on Israel: Breach of Objectivity, Non-Selectivity and Impartiality

The council has utterly failed to respect its promise of objectivity, non-selectivity and impartiality. Nowhere is this more blatant than in the council's pathological obsession with Israel. Examples abound.

Agenda: When creation of the new council was being considered in 2006, the U.N. Department of Public Information distributed a chart promising that the old commission's “agenda item targeting Israel” (then Item 8) would be replaced by a “clean slate.” Instead, the same infamous agenda item was revived, now as Item 7. Secretary-General Ban Ki-moon criticized this act of selectivity on the day after it was instituted.

Resolutions: In the five years of its existence, the council has adopted 35 condemnatory resolutions on Israel, and little over a dozen for the rest of the world combined. That translates into roughly 70 percent of the council's moral outrage being deployed to demonize and delegitimize the only democracy in the Middle East. All of these resolutions on Israel have been one-sided condemnations that grant impunity to Hamas and Hezbollah terrorists, and to their state sponsor, the Islamic Republic of Iran.

Special Sessions: A feature of the new council is that emergency sessions can be triggered by only 16 members. Proponents said that this would allow the council to respond in real time to grave violations. Instead, out of the ten special sessions that criticized countries, six were on Israel, with four for the rest of the world combined. Victims of human rights crises around the globe have been ignored. Worse, some special sessions have been used to legitimize violations. In 2009, the West called a special session on Sri Lanka after it killed 20,000 civilians. Yet the council majority turned the draft resolution upside down and praised the Sri Lankan government for its "promotion and protection of all human rights."

Urgent Debates: Last June, the council created a new procedure in order to target Israel, interrupting the opening of its regular session for an "Urgent Debate." (This was despite the fact that Israel, being the object of a permanent agenda item, was slated to come up anyway.) This "Urgent Debate" mechanism has never been used for any other country.

Fact Finding Missions: There have been five fact-finding missions or inquiries—all of them on Israel.² The most notorious example is the Goldstone Report, a travesty of justice that excoriated Israel and exonerated Hamas. This was not surprising given that the mission had a mandate with a predetermined verdict, and members who declared Israel guilty in advance. We congratulate you, Chairman Ros-Lehtinen and Ranking Member Berman, for leading the House in censuring this distorted report.

We urge the U.S., the European Union and other democracies to oppose the council's anti-Israel bias by (a) demonstrably refusing to join consensus in the current council review process regarding any agenda that includes the discriminatory item on Israel; and (b) taking action to admit Israel into the Western European and Others Group (WEOG) at the council, thereby remedying the anomaly and injustice of Israel's discriminatory exclusion from the regional group system, by which its diplomats are denied basic information.

² The council in 2006 did create a high level mission on Darfur, but this included political representatives sympathetic to Sudan, and the mandate was watered down to assess the "needs of Sudan." It was not created as a fact-finding mission or inquiry.

Elevating Apologists for Dictators

On several occasions, the council has appointed experts who distort human rights. One example is the council's Advisory Committee. Members include Halima Warzazi, who in 1988 shielded Saddam Hussein from being censured after he gassed Kurds in Halabja; Jean Ziegler, who co-founded the "Muammar Qaddafi International Prize for Human Rights"; and Miguel d'Escoto Brockmann, who has embraced the murderous rulers of Iran and Sudan.

One of the council's most quoted experts is Richard Falk, whose permanent, one-sided mandate is to report on "Israel's violation of the principles and bases of international law." As he did again this month, Mr. Falk has repeatedly called into question the fact that the September 11, 2001 terrorist attacks were indeed terrorist attacks. Instead he calls for exploring the possibility that 9/11 was an "inside job" carried out by the U.S. government. Mr. Falk wrote the forward for, and strongly endorses, *The New Pearl Harbor*, the 9/11 conspiracy tract by David Ray Griffin. UN Watch has called on U.N. Secretary-General Ban Ki-moon to condemn Mr. Falk's comments, and to remove him from his post.

Distortion of Core Human Rights Principles

Defamation of Religion

The council has often undermined basic principles of human rights. For example, under the sponsorship of the Islamic states, annual resolutions restrict freedom of speech in the name of prohibiting "defamation of religion." One effect is to legitimize anti-blasphemy laws in countries like Pakistan, under which a Christian woman was recently condemned to death for allegedly insulting the prophet Mohammed. More broadly, however, the purpose of this campaign has been to reframe the narrative regarding the terrorism that has been committed worldwide in the name of radical Islam—thousands of attacks, amounting to a global and urgent situation of gross human rights abuse, that have gone entirely ignored by the council.

Durban 3

Another issue that has been distorted by the council is racism. Contrary to all logic and morality, it elected Libya—a murderous regime that, as documented by the New York Times, systematically persecutes two million black African migrants—to head both the planning and main committees of the "Durban II" world conference on racism in 2009.

In this regard, we deeply regret that the U.N. recently decided to hold a summit this September in New York, to commemorate the tenth anniversary the 2001 Durban conference, already known as "Durban III." In explaining the U.S. decision to oppose this resolution, Ambassador Susan Rice said, "the Durban Declaration process has included ugly displays of intolerance and anti-Semitism, and we do not want to see that commemorated." We agree.

Moreover, as the U.S. delegation to the U.N. pointed out, it was “deeply troubled by the choice of time and venue for the 10th anniversary commemorative event. Just days earlier, we will have honored the victims of 9/11, whose loved ones will be marking a solemn 10-year anniversary for them and the entire nation. It will be an especially sensitive time for the people of New York and a repeat of the vitriol sadly experienced at past Durban-related events risks undermining the relationship we have worked hard to strengthen over the past few years between the United States and the U.N.”

We call on U.N. Secretary-General Ban Ki-moon to make every effort to ensure that New York is not subjected to a repeat of the ugly scenes witnessed in Durban.

Conclusion

In conclusion, it is clear that, according to the U.N.’s own standards, the promises of the council’s founding resolution—improved membership, action for victims, an end to politicization and selectivity—have not been kept. Sadly, every one of Kofi Annan’s criticisms of the old commission apply equally to the new council.

It should be emphasized that the council’s abysmal record comes in spite of the determined efforts of a few stakeholders. In this regard, we commend the dedicated work of the U.S. delegation in Geneva. We have had the privilege to interact with Ambassador King, Ambassador Donahoe, and their colleagues, and we greatly appreciate their leadership and support. When UN Watch brought victims of Libyan torture to testify before the council, a string of repressive regimes interrupted and sought to silence them. However, the U.S. delegation spoke out and successfully defended the victims’ right to speak. We equally appreciate the important work of Ambassador Barton and his colleagues at ECOSOC in defending the rights of NGOs.

Madam Chairman, as we proceed through the 2011 review of the council, UN Watch looks forward to cooperating with you and the Committee.

Thank you.