

UN REFORM: HUMAN RIGHTS COUNCIL NEGOTIATIONS

FACT SHEET, FEBRUARY 2006

BACKGROUND ON THE HUMAN RIGHTS COUNCIL NEGOTIATIONS

To strengthen international mechanisms to protect human rights, the Secretary-General of the United Nations proposed replacing the existing UN Commission on Human Rights with a more effective and legitimate Human Rights Council. At the 2005 World Summit, UN Member States agreed to this reform and resolved to create a Human Rights Council by the conclusion of the 60th General Assembly session. In his March 2004 report "In Larger Freedom" Secretary-General Annan noted that this change would "accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations."

Member States began negotiations in October 2005 to determine the mandate, functions, size, membership, and procedures of the new body. Spoiler states who hope to use this opportunity to weaken the UN human rights system and avoid scrutiny have found support in surprising quarters, including among some democracies in the developing world and close allies of the United States. General Assembly President Jan Eliasson and advocates of a stronger body are now working intensively to conclude negotiations and establish a credible new Human Rights Council by mid-February.

ELEMENTS OF A LEGITIMATE AND EFFECTIVE COUNCIL

The Human Rights Council will be a significant improvement over the existing Commission if its membership excludes the worst abusers.

- **Improved membership that excludes the worst abusers** could be accomplished through a direct and individual 2/3 majority vote of the General Assembly. Other provisions would further improve membership, such as requiring states to consider a candidate country's human rights record and voluntary pledges when electing members, and requiring Council members, once elected, to fully cooperate with the Council and be reviewed periodically.

Additional reforms would further strengthen the Council's ability to monitor and promote human rights.

- **Regular, periodic meetings throughout the year** would allow the Council to address urgent human rights abuses and monitor persistent abusers on an ongoing basis. Three meetings of 10 weeks would be an improvement over the existing annual six week session. However, the Council would be further strengthened by four to six sessions per year. Provisions that allow for additional meetings, called by one-third of Council members would further enable the Council to address urgent human rights situations.
- **The best of the existing UN human rights machinery** including the independence of the High Commissioner for Human Rights, the special investigators and rapporteurs established by the present Commission, and broad participation by NGOs.

WIDESPREAD U.S. SUPPORT FOR THE HUMAN RIGHTS COUNCIL

The U.S. Administration favors the establishment of an improved Human Rights Council. In early January, Ambassador Bolton asserted, "The United States remains deeply committed to working cooperatively with other delegations to ensure a credible Human Rights Council is established, one true to its designated mandate." Further, the U.S. Institute of Peace Task Force on the UN chaired by former Representative Newt Gingrich and Senator George Mitchell endorsed the establishment of a Human Rights Council where democratic countries address egregious human rights abuses and promote the highest standards in human rights.

2006 NEGOTIATION TIMELINE

General Assembly President Eliasson, the Co-Chairs from South Africa and Panama, and individual Member States, including the United States, are engaged in negotiations to achieve consensus by mid-February, including plenary sessions, small group meetings and bilateral discussions.

January 11: Intensive negotiations on the December 19 draft resolution text resumed.
January 12-19: Bilateral and small group negotiations continued.
January 20, 24: Plenary sessions were convened to discuss the timeline and draft text.
January 23-30: Bilateral negotiations continued.
February 1-2: Co-Chairs distributed a revised text.
February 6-10: Eliasson will distribute a revised final text for negotiation.
February 15: Eliasson hopes to conclude negotiations and achieve a resolution.
March 13: The Commission on Human Rights is scheduled to convene its last session.

ROLE OF THE U.S. CONGRESS

Members of Congress and their staff could help advance the negotiations by:

- Monitoring U.S. engagement in the negotiations and supporting U.S. efforts to work closely with allies and isolate spoiler states.
- Reinforcing essential elements of a strong Human Rights Council, ***particularly an improved membership accomplished through a direct and individual 2/3 vote of the General Assembly***, when traveling to foreign capitals or speaking with representatives of Member State governments.