



U.S. ENGAGEMENT WITH THE U.N. HUMAN RIGHTS SYSTEM

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Summary

The Carter Center and the Brookings Institution’s Managing Global Insecurity Initiative convened human rights advocates from Brazil, Colombia, Egypt, Indonesia, Israel, Malaysia, Nigeria, Pakistan, Russia, Europe and the United States to evaluate the impact of the United Nations’ human rights system on their work. Those gathered applauded the decision by the Obama Administration to re-engage with the U.N. and offered a number of steps the United States can take to help strengthen these agencies that are so vital to the advancement of human rights globally.

President Obama was widely praised by human rights activists for his stated commitment to “lead by example” in the advancement of global cooperation, human rights, and international law. Concern remains, however, that erosions of human rights that took place under the previous administration continue to undermine global rights standards.

When it joined the U.N. Human Rights Council in 2009, the United States sent a clear signal that it would help make the organization a stronger force for human rights in the coming years. The human rights leaders gathered expressed the hope that the Administration would press forward with this approach by:

- fully implementing the president’s commitment to bring U.S. human rights policies and practices into compliance with universal human rights norms and accept scrutiny of its own record by U.N. bodies;
- submitting a rigorous national report to the Universal Periodic Review (UPR) process;
- insisting on increased attention and action on serious human rights situations, wherever they occur;
- protecting and strengthening the independence and involvement of the Special Procedures;
- pressing for robust participation of NGOs within the U.N. human rights system; and

- protecting existing international human rights standards from being weakened.

A Good Beginning

President Obama's early commitment to reverse the previous administration's policies related to human rights, such as torture, secret prisons, and indefinite detention, was welcomed by human rights advocates as an expression of America's traditional defense of human rights values. For the past year, robust U.S. participation in various U.N. human rights bodies has shown the difference effective advocacy can make on key human rights issues like the appointment of an independent expert on Sudan and freedom of expression. And the appointment of a new U.S. Special Ambassador to the Human Rights Council is a concrete commitment to improved engagement. Many are hoping that these developments will create a more positive environment at the United Nations for building coalitions around initiatives that protect victims and redress violations.

Why the U.N. Matters to Human Rights Advocates

Participants asserted that the United Nations, as the only global forum for international cooperation, enjoys a certain legitimacy that no one government, no matter how powerful, can possess. When the United Nations is mocked in the United States as ineffective, the other side of the story is often ignored. Many Americans do not realize how important the U.N.'s human rights institutions are to millions of people throughout the world. It is these bodies that have the crucial job of scrutinizing the manner in which governments either respect or violate basic human rights, like freedom of religion, the right to a fair trial, or to be protected from torture. U.N. Special Procedures, the independent eyes and ears of the Human Rights Council, have a unique role to play as the most accessible mechanism for human rights defenders. If done well, such interaction between governments and the U.N. system, along with testimony from human rights defenders, can help correct abusive behavior, chart a course for gradual improvement, and even prevent violent conflict from escalating. The U.N. often offers the only outlet victims in repressive societies have to be heard.

Participants shared their experiences with the U.N. human rights bodies, which demonstrate both their potential for holding governments accountable for human rights violations, but also the urgent need to shore up their independence and to pay urgent attention to emerging and chronic human rights crises. They pointed out the following:

- Many governments and human rights activists have approached the UPR process with a seriousness of purpose that is resulting in productive engagement toward the correction of abusive policies.
- Human rights defenders in Africa and the Arab region are utilizing the U.N. bodies to an unprecedented degree to challenge abusive government practices.
- In Indonesia, rights advocates, by working with U.N. human rights mechanisms, campaigned successfully to pass a law on domestic violence and increased scrutiny of "moral police" squads operating in Aceh.

- In Colombia, the U.N. Special Rapporteur on arbitrary and extra judicial executions registered a huge increase of killings of civilians by the armed forces, validating the work carried out by Colombian human rights defenders.
- In addition to documenting human rights violations, U.N. rights bodies issue recommendations for remedying them. What is needed is increased pressure on governments to implement these findings.
- The General Assembly's review of the Human Rights Council in 2011 provides an opportunity to protect and strengthen the independence of these bodies, but the review also poses a danger that those governments that continually seek to weaken the U.N.'s human rights bodies will attempt to limit and control their reporting work.

Participants offered the following recommendations to the U.S. Government:

1. Support and strengthen the Universal Periodic Review process by engaging fully at the national and international levels in critical scrutiny of human rights records of countries; advocate meaningful follow-up to recommendations; and support active civil society participation.
2. Improve U.S. compliance with international human rights standards and adopt a principled human rights approach to all serious human rights situations; ratify the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination Against Women, the Convention on Economic, Social and Cultural Rights and other global human rights treaties; build support for greater attention to economic, social and cultural rights; help build cross-regional coalitions to address serious human rights situations; engage civil society, especially in its UPR process for the November 2010 session.
3. Make sustained progress to reverse the erosion of human rights under U.S. counter-terrorism policies and practices that have contributed to the overall erosion of human rights protection globally. In particular, the United States should address with utmost urgency the issue of impunity for torture of U.S.-held detainees, which undermines the global movement against torture, as well as the practice of indefinite detention, especially so-called "preventive detention," a practice which is easily abused on the grounds of national security across the globe.
4. Reassess its rejection of the Council's Goldstone Commission report on the war in and around the Gaza Strip, which offers the Israelis and Palestinians an opportunity to conduct independent impartial investigations into gross human rights violations and possible war crimes. Ensuring accountability can help advance peace and justice.
5. Support and strengthen the independence of Special Procedures by providing necessary resources to help Special Procedures do their job in a professional manner.

6. Fully cooperate with all Special Procedures by extending standing invitations for country visits, including visits to Guantánamo Bay and other detention facilities by related Special Procedures based on their standard terms of reference for such visits.
7. Nominate and support qualified candidates for election to the Human Rights Council; push back against attacks on Special Rapporteurs and NGOs through abuse of the Code of Conduct and HRC procedures; work toward electing member states on the ECOSOC NGO Committee that have proven their commitment to supporting the freedom of independent civil society organizations.
8. Work to minimize the ability of governments to appoint high-ranking state officials onto Treaty Bodies, which undermines the independence of these bodies.
9. Ensure competitive elections for seats on the Human Rights Council, promote candidates with good human rights records and that fully cooperate with the Council and its Special Procedures, work in concert with others to defeat states with poor human rights records, and make serious pledges and share them publicly.
10. Expand financial resources to and protect the independence of the Office of the High Commissioner for Human Rights.
11. Help lead the proposal to establish a trust fund to support effective civil society participation in the U.N. human rights system. This would include training for NGO members based on models of effective advocacy as well as resources to enable participation in meetings in Geneva and New York.