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## UN HUMAN RIGHTS COUNCIL: TIME FOR ACTION

### Campaign for UN Democracy Caucus Calls on Democratic States to Fulfill Promise of New Human Rights Body

May 25, 2006. The establishment of the new Human Rights Council, which will begin its first session on June 19, offers a rare opportunity to turn a new page in the international community's blemished record of addressing human rights abuses around the world. The UN General Assembly resolution creating the Council has the potential to be a real turning point in strengthening the international human rights regime if democratic governments seize the initiative in the inaugural year.

The results of elections of Council members on May 9, however, indicate that serious obstacles remain. While states with good records on human rights won a majority of seats, a number of notorious violators were also elected, giving them what they apparently want, the opportunity to block serious action.

To alleviate well-founded skepticism on the part of the human rights and democracy community, the democracies that serve on the new Council must cooperate to build a strong coalition that can prevent spoilers from weakening the new Council. In particular, the Democracy Caucus will have to take concrete steps in three key areas: 1) respond quickly to gross and systematic violations, 2) construct a universal periodic review process which provides an independent and objective assessment of a country's implementation of human rights standards, and 3) ensure continued and improved procedures for consultation with civil society.

#### *Election Process -- Improved*

The elections process established for the HRC broke new ground in introducing competition, human rights pledges and a small window of transparency in what was traditionally a closed process of vote-trading controlled by the regional bloc system.

- For the first time, the General Assembly elected the 47 Council members in a process that required each to get at least 96 votes, an absolute majority of the GA.
- Voting was carried out directly and individually for each candidate country. However, the provision for secret ballots effectively shields governments from accountability for their votes, and should be revisited going forward.

- The reformed process allowed for a larger number of candidates to run than seats allotted to assure a competitive election. Sixty-four candidates competed for the 47 seats.
- Two run-offs were needed to fill seats in the Eastern European region which had the largest number of candidates competing for six seats.
- The majority of countries announced their candidacy early and campaigned vigorously for seats.
- All candidates made voluntary public pledges regarding their human rights records and commitments, for example, to fulfill treaty obligations and to cooperate fully with the Council procedures. This offers human rights advocates a new tool for holding Council members accountable.

As a result, the elections have served as a positive first step in changing the culture at the UN by establishing a more public and transparent process in which human rights became an important factor in choosing candidates for the most important human rights body. For example, on the eve of the elections, the UN Democracy Caucus, composed of over 100 states of the Community of Democracies (CD), renewed its pledge to give “serious consideration to countries contributing effectively to the promotion and protection of democracy and human rights worldwide in bodies which focus on elements of democratic governance.” The group further urged UN member states to favor candidates that have “demonstrated a genuine commitment to human rights, both in practice and in their pledges.” Despite the positive CD statement, the election results show that a significant number of Community of Democracies countries did not follow such principles and voted for rights violators (China received 146 votes, Cuba 135, Saudi Arabia, 126, Tunisia 171, Russian Federation 137, etc.)

### *Election Results -- Disappointing*

Despite the positive aspects of the reformed elections process, the results of the voting offered too little to celebrate.

- The new Council will be composed of a preponderance of states professing a commitment to democracy, and – for the first time in many years – a slim majority assessed as “free” by Freedom House.
- At the same time, a number of governments with notorious human rights records were also elected, raising serious questions about the ability of the new Council to fulfill its mandate to protect human rights. China, Cuba, Saudi Arabia, Pakistan, Tunisia, Cameroon, Algeria, Russia and Azerbaijan have a demonstrated track record of human rights violations at home and of obstructing international scrutiny.
- Many of the worst rights violators which discredited past Commissions -- Sudan, Libya, Viet Nam, Zimbabwe, Nepal, Egypt, and Syria – did not run for seats. Other rights violators such as North Korea, Burma, Uzbekistan, Turkmenistan, and Belarus also did not run. Iran and Venezuela – candidates with deteriorating human rights records – were both defeated in the elections. On the other hand,

good candidates like Hungary and Slovenia lost out to Azerbaijan in second round voting.

- Seventy-nine percent of the members of the new Council participate in the Community of Democracies (CD). This is up from 62 percent of CD members which served on the Commission on Human Rights in 2005 and 60 percent which served in 2004. The percentage of states elected to the new Council with bad human rights records<sup>1</sup> has correspondingly decreased from 17 percent in the 2004 elections to 10 percent today.

The Democracy Caucus must now focus its attention on strengthening the Council's ability to implement universally-accepted human rights standards and isolating bad actors that obstruct this effort.

*The Real Tests for HRC Reform Are Yet to Come.*

The prospects for a productive and useful Human Rights Council will be determined largely by its initial actions, as important decisions are taken on the body's working methods, agenda and new universal periodic review mechanism (UPR).

**Country and situation specific actions by the Council.** It is essential that at its inaugural session in Geneva, beginning June 19, the Council consider how it will fulfill its mandate to "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon." The Council must speak out clearly and quickly against urgent situations of gross violations in specific countries and it must do so separately from the universal periodic review mechanism, which will take months to set up. For example, the Council should move quickly to address urgent human rights situations in the Darfur, renewed repression of minority groups in Burma, forced repatriation from China of North Korean refugees, the assault on Zimbabwean urban dwellers by the government and other urgent matters

**Universal periodic review.** An important test for the Council will be the establishment of a credible universal periodic review system (UPR) to investigate the human rights practices of all governments that are members of the Council, as required by the UN General Assembly's mandate. This process, which presumably would begin with those states that will serve only one year, creates an opportunity to establish important precedents for the nature and quality of the review process. As many of the countries with abbreviated terms have decent human rights records, their cooperation in credible reviews will raise the standard for subsequent reviews of all member states on the Council.

The democratic countries on the Council will need to coordinate their efforts from the outset and be prepared to thwart efforts to create a cumbersome and toothless UPR. In

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<sup>1</sup> Countries in this category scored the lowest when considering their average 2005 Freedom House scores for political rights and civil liberties and their voting records on human rights resolutions in the Commission on Human Rights from 2003-2005 and the General Assembly Third Committee in 2004 and 2005.

particular, advocates of a strong Council will look for a UPR system led by independent experts, and not by political or state actors, to avoid politicization. Inputs should be assembled from a range of sources, including independent, regional, domestic, inter-governmental, and non-governmental research. The review should result in reports with specific conclusions and actionable recommendations.

**Participation by independent experts and NGOs.** Any review of civil society participation should be focused on expanding NGO participation, including streamlining and providing more transparency to the ECOSOC NGO Committee's accreditation procedures. The review should aim to increase participation by independent non-governmental organizations while maintaining the level of NGO participation practiced by the Commission on Human Rights. Any review should be led by states which actually respect freedom of association in their own countries, unlike the current situation with the ECOSOC NGO committee.

**Give a Voice to Human Rights Victims.** The HRC should provide for opportunities for high profile recognition of human rights activists in countries where there is a deteriorating human rights situation. Such public recognition provides needed protection for activists when back in their countries. The HRC should also accommodate increased participation by human rights groups in the Global South.

## ANNEX

**Table 1: Human Rights Council Election Results, May 9, 2006**

Countries in bold have been elected to the Human Rights Council.

	<b>Africa (13)</b>	<b>Asia (13)</b>	<b>Eastern Europe (6)</b>	<b>Latin America and the Caribbean (8)</b>	<b>Western Europe and Others (7)</b>
<b>First Round Elected</b>	<b>Ghana (183)</b> <b>Zambia (182)</b> <b>Senegal (181)</b> <b>S Africa (179)</b> <b>Mali (178)</b> <b>Mauritius (178)</b> <b>Morocco (178)</b> <b>Gabon (175)</b> <b>Djibouti (172)</b> <b>Cameroon (171)</b> <b>Tunisia (171)</b> <b>Nigeria (169)</b> <b>Algeria (168)</b>	<b>India (173)</b> <b>Indonesia (165)</b> <b>Bangladesh (160)</b> <b>Japan (158)</b> <b>Malaysia (158)</b> <b>Pakistan (149)</b> <b>Republic of Korea (148)</b> <b>China (146)</b> <b>Jordan (137)</b> <b>Philippines (136)</b> <b>Bahrain (134)</b> <b>Saudi Arabia (126)</b> <b>Sri Lanka (123)</b>	<b>Russia (137)</b> <b>Poland (108)</b> <b>Czech Republic (105)</b>	<b>Brazil (165)</b> <b>Argentina (158)</b> <b>Mexico (154)</b> <b>Peru (145)</b> <b>Guatemala (142)</b> <b>Uruguay (141)</b> <b>Cuba (135)</b> <b>Ecuador (128)</b>	<b>Germany (154)</b> <b>France (150)</b> <b>UK (148)</b> <b>Switzerland (140)</b> <b>Netherlands (137)</b> <b>Finland (133)</b> <b>Canada (130)</b>
<b>First Round Defeated</b>	Kenya (9) Tanzania (1) Madagascar (1) Egypt (1)	Thailand (120) Lebanon (112) Kyrgyzstan (88) Iran (58) Iraq (52) Qatar (1) Maldives (1)	Azerbaijan (95) Lithuania (92) Slovenia (91) Ukraine (91) Romania (89) Hungary (79) Armenia (70) Latvia (50) Albania (31) Georgia (35) Serbia & Montenegro (1)	Nicaragua (119) Venezuela (101) Costa Rica (6) Honduras (3) Colombia (1)	Portugal (122) Greece (117) Spain (1)
<b>2<sup>nd</sup> Round Elected/ Defeated</b>			<b>Ukraine (109)</b> <b>Azerbaijan (103)</b> Romania (95) Slovenia (88) Lithuania (86) Hungary (48)		
<b>3<sup>rd</sup> Round Elected / Defeated</b>			<b>Romania (98)</b> Slovenia (80)		

**Table 2: Human Rights Council Members and Term Limits**

Term limits were determined by the drawing of lots and start on May 9, 2006.

	Africa	Asia	Eastern Europe	Latin America	Western Europe and Others
<b>1 Year</b>	S Africa	India	Poland	Argentina	Netherlands
	Morocco	Indonesia	Czech Rep	Ecuador	Finland
	Tunisia	Philippines			
	Algeria	Bahrain			
<b>2 Years</b>	Ghana	Japan	Ukraine	Brazil	France
	Zambia	Pakistan	Romania	Guatemala	UK
	Mali	Rep Korea		Peru	
	Gabon	Sri Lanka			
<b>3 Years</b>	Senegal	Bangladesh	Russian Fed.	Mexico	Germany
	Mauritius	Malaysia	Azerbaijan	Uruguay	Switzerland
	Djibouti	China		Cuba	Canada
	Cameroon	Jordan			
	Nigeria	Saudi Arabia			