

**U.S. Leadership on Democracy and Human Rights at the
United Nations Human Rights Council
Featuring voices from the Ground: Iran and Burma
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Dokhi Fassihian: -- from the Democracy Coalition Project. The title of this briefing is "U.S. Leadership at the UN Human Rights Council: Featuring Voices from the Ground - Iran and Burma." This briefing is sponsored by the Democracy Coalition Project, Freedom House, the Open Society Foundations, and Congressman Russ Carnahan. We'd like to thank Congressman Carnahan and his staff for sponsoring this briefing, and we'll be inviting him to speak once he arrives. We understand he is held up at another hearing today, but hopefully, he'll be able to stop by.

The United States decided to join the UN Human Rights Council in September 2009, reversing a policy of boycotting the body since its creation. The Council, made up of 47 member states, is the political body of the international human rights system which replaced the Commission on Human Rights in 2006. Efforts to reform the body led to limited structural improvements but fell short of the demands of the international human rights community.

Non-participation by the United States in the Council's formative years caused the body to get off to a bad start, allowing authoritarian states to exert undue influence over the

body and to use that influence to block scrutiny of serious human rights situations and focus excessively on Israel.

Since the United States became a member in 2009, significant changes have taken place at the Geneva-based body, including improvements in addressing chronic situations of gross human rights violations. Since 2009, the Council has taken action on grave situations in Sudan, Burma, North Korea, Iran, as well as emerging crises in Guinea, Ivory Coast, Honduras, Kyrgyzstan, and most recently, Tunisia and Libya.

Robust U.S. leadership has also resulted in the advancement of initiatives to strengthen the rights of freedom of association and assembly, the rights of Freedom of Expression and religion, the rights of women, and the rights of LGBTI communities. U.S. leadership has also been pivotal in denying membership to abusive states such as Iran.

Most of these initiatives would not have been possible without U.S. engagement. In light of current debates and legislation regarding U.S. engagement at the UN, including the Human Rights Council, we've assembled a distinguished panel of governmental and nongovernmental representatives working on these issues to discuss the developments of the Council, to assess ongoing challenges and criticisms such as membership and the disproportionate focus on Israel, and to hear directly from prominent human rights defenders on the importance of the Human

Rights Council and strong leadership from the United States to shed light on the world's most repressive countries.

I will now turn over to Paula Schriefer, who is the advocacy director of Freedom House, who will be moderating this discussion and the question and answer period. Thanks again for joining us.

Paula Schriefer: Thanks so much, Dokhi. Before I get started, I do want to say just a few more words sort of about why we're actually convening this event for today and thank my colleagues at Democracy Coalition Project and the Open Society Foundations.

Convening an event on the UN, on Capitol Hill is not an easy thing to do. I think there are a few institutions in the world that are less popular than the United Nations and particularly the United Nations Human Rights Council with members of Congress. And certainly, some of these criticisms are valid. Some of these criticisms are ones that we ourselves make at Freedom House. Many of them revolve around membership of the Council, as well as the countries that the Council chooses to single out and the countries that the Council chooses to not single out. Oftentimes, our own rankings at Freedom House, our Freedom in the World Rankings, are used in these discussions that take place.

Those who say the U.S. should not spend resources on the Council will of course point out the membership of countries like Cuba and China, the absurdity of the permanent agenda item on Israel, which is of course the only country in the world that is singled out for such attention. And we ourselves agree with those criticisms, but we differ greatly in terms of how we interpret them and in terms of what we think the U.S. government should be doing in response.

The composition of the Council is clearly not as good as we would like it to be. We would prefer that there were not any not free countries not actually sit on the Council. But I should note that the composition of the Council is in fact very representative of the composition of the world's population and countries of the UN itself, and it doesn't mean that the Council cannot function as it should. It is said over and over again, and Dokhi just said it but I'll repeat it, which is the Council is, in fact, a political body, and the core issue of whether states should be called to account for their abuses is an ongoing political fight that takes place at that council.

I personally don't think that the United States should ever walk away from a political fight, particularly when it is a fight about values, a fight about the universality of human rights. And particularly when it is a fight in which the globe's most repressive human rights abusers and opponents of

human rights are, in my view, the clear winners when we stand back.

It's often easy for Americans to stand back and just say, "Well, we enjoy greater human rights than most other countries in the world and we shouldn't waste our time engaging in these tough battles at multilateral institutions." But it is our view at Freedom House that to do so, to stand back, really only cedes territory to the Cuba's and the China's of the world and those that fight against its concept of the universal values

Freedom House is going to be celebrating its 70th anniversary this October. We have never believed that fundamental human rights are the sole birthright of Americans or the sole birthright of Western Europeans. This battle for global acceptance of the idea of universal rights, not to mention the implementation of universal human rights, really has to be thought out in a global body, a body that all countries, whether they abuse human rights or whether they respect them or, as most countries do, they fall somewhere in between, a body that all those countries view as legitimate.

It's our hope that this briefing will provide some information on why the Human Rights Council matters most to those for whom the Council was set up, people who come from countries where human rights are serious, serious problems. This discussion may not change perceptions on how well the

Council is currently functioning, but I hope that it will provide really good food for thought on what the United States should be doing about it.

Without further ado, I'm going to say a few words about our panelists today. I won't go into great detail since there are biographies available at front desk. But I'm very honored to be joined by some very prominent human rights defenders and courageous human rights defenders, as well as two representatives of governments who have been and are on the battle lines there are the Council trying to press for more human rights.

First, to my immediate right here, I have Dr. Thaung Htun, who is the representative for UN Affairs and the executive director of the Burma Fund. It's the policy think-tank for the National Coalition Government of the Union of Burma. He was born in Burma and is a medical doctor by training but was arrested for pro-democracy activities and forced to seek refuge outside of the country. Since then, he has been a leader in efforts to raise awareness about the gross violations of human rights that continue to be perpetrated by the Burmese regime, and he tries to raise these in the UN as well as in other fora. Burma is, of course, one of the countries that Freedom House ranks at the very, very bottom of our annual survey.

In addition, we have Mr. Hadi Ghaemi, who is the executive director and one of the founders of the International Campaign for Human Rights in Iran. He was born in Iran and came to the U.S. in 1983, received his Ph.D. in Physics here, so he is obviously a fairly smart guy. He has been in human rights work for a number of years, including engaging in advocacy at the UN, and I should say that the International Campaign for Human Rights in Iran has really become one of the leading organizations in documenting and reporting on abuses in that country, as well as trying to advocate for outside attention and support.

Next to him is Ambassador Carlos Portales, who is currently the director of the Program in International Organizations, Law, and Diplomacy at American University's College of Law. He has a long and distinguished diplomatic career, including two very fun years as head of Chile's mission in Geneva, where he was engaged first hand in many of the battles at the Council on fundamental human rights issues, including Freedom of Expression and others, at a time when the U.S. was not a member and was not actively engaged. I should also say that he was nice enough to occasionally stick up for Freedom House when we were trying to give our speeches at the UN, and he would let us go on uninterrupted as much as possible by the Cubans and others who didn't want to hear us. I thank you for that.

Down at the far end, we are delighted to be joined by Ambassador Eileen Donahoe, who is the first ever U.S. Ambassador to the Human Rights Council, a position that Freedom House and many other organizations lobbied for for a number of years, so we were delighted that that was created. She wrote her Ph.D. dissertation on the moral imperative of humanitarian military intervention, and she has been leading the charge for the U.S. in Geneva on building allies to pass important resolutions, including two resolutions we were very happy with, one which established a new mandate on freedom of association, and one which established a new mandate on Iran. These were resolutions that were thought to be absolutely impossible just a year ago.

So without further ado, I am going to turn it over to Dr. Htun.

Thaung Htun: Good morning, Your Excellency, and ladies and gentlemen. First, I would like to express my gratitude to Democracy Coalition Project and Open Society Foundations, Freedom House, for providing this opportunity to raise the voice of the Burmese people who remain under oppression.

We had two important discussions on Burma at the Human Rights Council at the beginning of this year. One was the Universal Periodic Review, the first time a country reviewed at the Human Rights Council new mechanism that happened in February. And then Human Rights Defenders of Burma that is

Human Rights Organization, Burmese Human Rights Organization was able to provide a shared report and then we got the opportunity to use this platform in our interaction with the diplomats and civil society there, and then we are pleased with the questions and recommendation made by the member states.

Then another occasion was at a regular session of the Human Rights in March in which the situation on human rights in Burma, the resolution was adopted and then the mandate of the Special Rapporteur was extended. So in that two occasions, we really want to acknowledge and also appreciate the role taken by the United States, especially leadership role to make Burmese case strongly. And of course, the Human Rights Council resolution clearly remind us that Burmese military regime should take measures for and to end impunity and then to investigate human rights violation, which has been long overdue. So of course, we have to -- we already develop these steps and then we need to go forward to another step, what I'm going to discuss later, that's Commission on Inquiry. So this is the time in Burma which we need to really monitor the situation so that we can correctly understand, and of course, respond to the situation.

So in the last few months, we have seen two important incidents. One was election in Burma and another was the release of Aung San Suu Kyi. So a lot of interpretation has taken place. That's why we need to look at it correctly. And

actually, there are new political institutions based on the result of election. And I would like to say this election result is neither free nor fair and the new institutions cannot, will not be able to find solution because it's dominated by the regime and then therefore, the head of states, the former Senior General Than Shwe will continue to pull the strings.

So it would be a mistake to expect changes after that kind of thing. And the release of Ang San Suu Kyi, of course, as usual, it's from house arrest, but she was released into the big prison together with other 56 millions of the Burmese people. So freedom is still limited and she cannot freely travel inside the country as well as outside the country. So that we are talking about the democratic transition and then I remember that former Special Rapporteur Rajsoomer, Professor Pinheiro said that "genuine democratic transition cannot take place without improvement of human rights." So U.S. administration is talking about engagement plans operation. So human rights agenda should be brought up when U.S. government engage with the Burmese military.

So without human rights agenda, I think we cannot have genuine democratic transition and then additional reconciliation. So another point I would like to make is that of course, we have tried our best to use the UN mechanism to make the case Special Rapporteur, we have reports. But human

rights violations, especially those categorized as war crimes and crime against humanity, have been taking place more years. It's widespread, systematic, and we can even say that we can really prove that those authorities at the highest level, at the policy level are involved in that human rights violation.

And then the previous UN resolution already asked repeatedly to investigate into these war crimes and crimes against humanity and held accountable the perpetrators. It happened when there was a massacre in 2003, when Daw Aung San Suu Kyi's motorcade was attacked and nearly 70 people got killed. Again, investigation and action was asked by the United Nations in 2007, when there was Saffron Revolution, the Buddhist monks were killed. And then a lot of reports were documented by the Human Rights Organization, a credible organization, about the systematic rape, use of systematic rape as a weapon of war. This never happened. So this is the time for the international to convene based on concept of responsibility to protect. The first step has to be the Commission on Inquiry. Why do we ask the Commission on Inquiry? What kind of mandate we are aspiring for?

First, if we can establish a Commission on Inquiry. First, we hope that that commission established the first and second circumstances around these cases of human rights. And second, therefore, accountable to perpetrators and then identify the

perpetrators and hold accountable to them. And then third, recommendation to move forward. So Commission on Inquiry can open up all possible recommendation, either the truth and reconciliation or either transferring them to the International Criminal Court or either accountability measures, but at this moment, we open up all the options.

And then we establish if Commission on Inquiry is established, it will lead to exposing the truth about the crimes and holding the perpetrators accountable; and second, it can be the strong preventive bearing. It can deter future violations and promote the respect for the rule of law. It can also make wide range of recommendations related to justice, reparation, and the guarantee of non-recurrence. It can also be part of the long-term effort to end impunity and provide basis for genuine dialogue and national reconciliation.

So far, we have achieved support from 16 countries, and then also that all credible human rights organizations, Amnesty International, Human Rights Watch, and FIDH, and Conectas from Brazil, all are in support of this call for Human Rights Commission. How can it be done? We need to put a lot of effort still. We need to put a lot of thought.

And then looking at the Human Rights Council action in the case of Libya and Côte d'Ivoire, I am very encouraged. I feel that the Human Rights Commission is moving towards the right

direction, even though there are still some weaknesses we need to correct. And in Libya's case, we know that the Human Rights Council unanimously act not only condemnation but recommend to the General Assembly to suspend membership of the Libya at the Human Rights Council and also to establish Commission on Inquiry immediately and then the same with the Côte d'Ivoire case. So that Libyan case is a good precedence and I would like to request that that kind of unity of purpose and unity of action which is developing in the Human Rights Council should be applied in other cases too, just like in case of Burma.

And then if we look at the Human Rights Council membership composition at this moment, it is the right time, right moment; right time because if we analyze the membership, 25 members are the ones who supported Burma resolution at the General Assembly. Fourteen of course abstained and eight members opposed. It means that if we can convince the 25 members who are already sympathetic or who paid attention on Burma, Commission on Inquiry can be possible. Out of 25, five already expressed their commitment to the commission on inquiry.

So U.S. has allies so that only thing is that U.S. needs to take leadership and because of who's there. Of course, countries like China and Russia are still defending the regime, resisting the idea of Commission on Inquiry. But it is not the mission impossible, you know. So when we try to bring Burma to

the Security Council agenda in 2006, some of the critics said that this is a mission impossible. But when United States commit to make it and then mobilize its diplomatic resources, bring up the case at a high-level discussion even at the presidential level, finally, we've gone through.

Finally, we were able to put it on the agenda, with the 10 votes at the Security Council. I think that Commission on Inquiry is a possible thing. It can be possible if U.S. administration commit to it and use its diplomatic capital and resources. So it is not the time to ignore Human Rights Council. This is an effective mechanism. It is a platform for the human rights defenders. It is the place where we can raise our voice. So we look forward to work closely with the United States to make -- to work together to improve not only the situation of human rights in Burma but also to make the Human Rights Council more effective and efficient. So thank you very much.

Paula Schriefer: Thank you so much. We are now going to turn to our colleague from Iran.

Hadi Ghaemi: Thank you, Paula. I also want to thank the organizers of this event, Open Society Institute, Freedom House, and particularly Democracy Coalition Project, which has done such a wonderful job not only in monitoring and holding members of the Human Rights Council accountable but with the very

important job of making sure that human right defenders from countries in the most urgent situations are in Geneva during every session and the members of the Council get to interact with them and are well informed.

I am here on behalf of the International Campaign for Human Rights in Iran to first and foremost urge the United State government to continue its work as a member of the UN Human Rights Council. The presence and hard work of the U.S. delegation has strengthened the Council, and if the United States leaves the Council, it will weaken it, for sure, and it will have a negative impact on human rights situations around the world, particularly in countries like Iran.

Let me start off by saying that we would probably agree with many of the frustrations that members of the Congress may have about the Human Right Council. Many of the reforms that came into operation in 2006 have not improved its effectiveness over the Human Rights Commission. But one thing is clear and cannot be disputed: the membership of the United States is essential toward improving the Council and without that membership, the Council would be much less effective than it is now.

As international human rights advocates, we look to the Council as a venue for awareness-raising, for measuring the performance of governments against their international legal

obligations, and as a way the international community can provide assistance and pressure on governments to comply with those commitments to universal human rights standards.

For many human rights advocates, the Council is the main existing international forum in which they have possibilities to advocate for individual human rights.

Now, in case of Iran, there was a great achievement during the March session which was the first time the Council, since its creation, established a country-specific mandate by appointing a Special Rapporteur to monitor and report on the human rights situation in Iran. Now, not only was that unprecedented, but also something that only maybe six months ago was considered to be impossible because of the political environment in Geneva.

I want to just emphasize how important that action was for the Iranian human rights community, who have been advocating for this mechanism for more than seven or eight years. And particularly since 2009, they have thought that it would be an automatic response by the international community to the crisis unfolding in their country. And Iran has a very vibrant civil society and human rights activist base who are under tremendous pressure. And they truly believe in universality of the rights as stipulated in the international treaties. For them, any implementation of those treaties has to be, first and foremost,

at the minimum, done at the Human Rights Council. And they could not understand what is it about their situation and their rights that the Council had been completely silent since June 2009, had taken no action whatsoever, not a single resolution, not a single official statement coming out of the Council except for some member states making statements during that but it did not represent the whole of the Council. And we have been urging for the Special Rapporteur and I must say that it was really thanks to the U.S. leadership during this last Council that we managed to get that established.

Why is that so important to Iranians? Because in most countries, for victims of human rights, they may be -- their first venue for recourse would be the judicial system. Well, the judicial system in Iran itself is an arm of repression. It absolutely has no independence and it's completely dysfunctional in terms of holding perpetrators of violence accountable.

Secondly, in many countries, one would rely on domestic human rights organizations to advocate and engage with their governments and try to stand up to the violators. Well, in Iran, again, all the domestic organizations have been decimated. People have been put in jail. Their office is shattered and they absolutely are not allowed to do any domestic activism.

A third one may think of going to regional groupings and how from regional organizations could we pressure the government

and hold it to some accountability. Again, Iran is not a member of any regional grouping with this regard, that could have been meaningful.

Next stage would be to engage international organizations, independent monitors, such as Amnesty International Human Rights Project, FIDH, our own organization, to come to the country to visit the prisons, to, again, engage the government, on the violations taking place. Well, for the past 30 years, none of these organizations have been allowed to work in Iran, and Iran has been completely a closed country.

So you can see that why important Iranian human rights community, the Human Rights Council in Geneva becomes so important. And by appointing a UN-mandated official who would be around the clock job would be to monitor Iran and report on it is a great victory for the victims of the last two years, particularly for those people who are sitting in prisons, under torture, even dying of lack of medical care, which we just had one case last week, or the families who are having no access, and a judicial that is completely vacant of any due process. Having that UN expert for these people to provide information to its, first and foremost, reaffirmation of their struggle and their situation.

Secondly, hopefully, give them a megaphone to the international community by asking Iranian government for

accountability and the impact of that appointment already has created so much fresh movement within Iran. We have prisoners inside the prison smuggling out letters describing the situation in prisons of overcrowding, of torture, of secret executions. We have one particular region of the country where in that prison, we believe fairly surely that there are hundreds of secret executions of people whose names we even don't know are happening.

And even though that information through organizations like us becomes public, the Iranian government doesn't feel any pressure to reply to it and to affirm or it deny it. The fact that they haven't denied it tells us it is happening and we have so many multiple sources, including people involved in implementing those executions that we have no doubt. And we think this UN Special Expert will be the person who will hold Iran accountable and make it respond and therefore open up to the States for the domestic human rights community in Iran.

Now, when my colleagues and I launched a campaign in 2008, it was clear that efforts to call the Islamic republic to account would need to center in Geneva and the Council, but we also knew we have a very uphill battle. At the time, U.S. was not a member yet and generally, our evaluation and interaction with all the member states, including Europeans, was that nobody wants to take the lead, even if private, they are sympathetic

and they listen to our concerns and understand that all doors are closed within the country and there has to be some action. I think in one level, nobody wanted to take the lead or be tabling such a resolution or doing the hard work it requires to gather the member states and come to a conclusion.

So without the assistance of the U.S. delegation, it is highly unlikely that the proposal for a monitoring mechanism would have gained cross-regional support and momentum, and thankfully it had. And what is really important, it also debunked Iranian government's propoganda within the country, trying to tell the masses that this human rights discourse really is not about you or your rights. This is just about Western countries trying to exploit this as a political weapon against us in various foreign relation confrontations we have with them.

But when we see that the vote in the Human Rights Council involved 22 member states versus seven, and those seven also have very notorious records, like Pakistan, Russia, China, Cuba, these countries, the government cannot tell people that these seven countries really are interested in your rights and the 22 countries are not only from Western Europe and the United States but Brazil, Chile, Argentina, Mexico, Peru, Senegal, South Korea, Japan --

Paula Schriefer: Zambia.

Hadi Ghaemi: -- Zambia, then it becomes very hard for that government propaganda to say that there is no crisis in the country and the outside world leaders don't care about you and are just involved in a political fight. But again, we could not have had that cross-regional momentum build up if the U.S. and Sweden had not taken the lead in including that resolution together.

So just to wrap it up, I don't need to tell you that any leadership position means getting your hands dirty in the real world. The Human Rights Council reflects the real world, a world where governments largely disrespect human rights, but also a world where citizens are increasingly aware of their human rights and judge their own governments on the basis of respect for these standards. That is why the battles for human rights in the Council are very much worth joining.

It is certainly not a perfect institution, and like most membership organizations, it is as good as its members get it. The Council has structural weaknesses, for sure, but its failures lie mainly in the way members have abrogated their responsibilities to uphold international standards, and that's what we need to work on and again, that vote of 22-3-7 show that once there is enough leadership and enough engagement, you can get the majority to do the right thing.

So in closing, I would like to take this opportunity to again thank all the members of the U.S. Congress who have encouraged the administration to engage forcefully in the Council on behalf of the human rights in Iran. The U.S. has made the Council a stronger human rights mechanism, and we hope very much that it will continue to do so. Thank you.

Paula Schriefer: And now, we are going to turn to the perspective of the States and what they do behind the scenes at the Council to make it work for the victims.

Carlos Portales: First of all, let me thank Democracy Coalition Project, the Open Society Foundation, and Freedom House for the invitation to share my views in this session, and Congressman Carnahan for allowing this meeting to take place. Let me say that I am not coming on behalf of my government. I am not now part of the government so it would be my personal remarks.

I see that the question is how to work globally to achieve the recognition of human rights and the observance of human rights, as the Universal Declaration states. This is a subject of utmost importance as many think the protection and promotion of human rights is universal in effect.

As I said, I had the privilege to represent my country in the Human Rights Council from July 2008 to May 2010, and the

honor to be vice president of the Council from July 2009 up to the end of my term in Geneva.

States' protection and promotion are fundamental obligation of states. But if the states fail to protect human rights, as they usually do, the international community has a crucial role to play. My message today is that all countries committed to human rights protection should work in the Council to attain the protection and promotion, and that wise and sustained leadership will make the difference.

For more than 60 years, the UN has been developing the law and the institution to protect and promote human rights worldwide. They had created a body of universal norms on human rights, starting from the Universal Declaration, the Covenant, and other universal conventions on torture, women, racial discrimination, et cetera. But the Commission also addressed concrete situations of massive violation of human rights, starting with South African apartheid and with the military dictatorship in my country. And let me stress the vital importance of the Commission's work for those who were working for the protection of human rights under a dictatorship which was flagrantly abusing those rights. The moral authority of the U.N. was vital for sustaining the peaceful struggle for human rights and in shining a light of democracy at the end of our dictatorial tunnel.

We are all aware of the long debate that preceded the replacement of the Commission by the new Human Rights Council. Selectivity, politicization, and many other qualifications were used. Some of them are today applied to the Council. Many of these critiques were and are at least partially true. But we have to understand the nature of global institutions to understand why it is fundamental to actively engage in the Council.

The stated goals of protection and promotion have not been achieved in many cases, but there is a space to continue working for them in the international arena. The leadership of those countries committed to human rights should make the difference. The United States did not participate in the Council under the previous Administration, and that absence was deeply felt in regiment of human rights achievements in the Council. U.S. participation in the last year has contributed to improvements, but to be effective, a long-term commitment to be part of the game is needed.

The Council is a body of states, a governmental body. And of course, we have all of the differences in the world there inside the Council. We have a group of states committed to protect human rights, particularly in dealing with urgent cases of massive violations. There is also a group of countries that strongly opposes of any strengthening of protection, and they

are making the most to limit international scrutiny based on the principle of sovereignty. But there is a third large group that formally recognizes human rights norms but tend to limit the scope of their obligation. In many cases, lowering of human rights standards tend to prevail. But it is possible to engage with many of these countries and to improve their positions in the Council.

These groups are not fixed; there are changes in policies. Notice for instance the last important limitations on the new President of Brazil on human rights policies. That will make, I'm sure, a very important impact in what the work in the Human Rights Council will do. We are also waiting for the impact of the current movement in the Arab world and I'm sure that many of those new governments could change their approach to the council.

But let me say that also, it would seem that the current structure do permit many things. I will briefly tell you an anecdote. I was part of a group, a consultative group to appoint Rapporteurs and we were five countries -- Pakistan, Russia, Switzerland, Algeria, and Chile. And we have to appoint several Rapporteurs. One of them was the Rapporteur on Freedom of Expression. I decided to concentrate on that, all my efforts, and I had -- I took from the candidates that we received, I think the best one was a candidate from Guatemala.

And I was the only one in the beginning proposing that thing. But finally, we agreed, the five, to propose to the Council. It was very difficult. The performance of the Rapporteur on Freedom of Expression has been very important. So you can make change, difference, in the Council. And if a small country could make this, I am sure that a very important country like the United States could make much more changes.

We have to take into account that the Council is a body of states. In many systems, regional systems, the protection of human rights is given to independent commissioners, judges. The European system has done it. The Intra-American system has done it. The world system is seeking its own protection by states but we do have important independent experts, committee, members of the treaty bodies that supervise the forefront of local human rights convention, working groups, Special Rapporteurs, and independent experts, and to protect them and to enhance the possibility of them to report to the Council and to other institutions, it's very important. So there is a very fundamental task on the part of the state that are for human rights to protect impartiality of these rapporteurs and even to increase their possibilities, also with more [indiscernible].

Representation in the Council, of course there is a program for representation because there are differences in the world. Unfortunately, we have not been able to have contested

elections, which was a way to have more possibilities. But I see today there has been this need to have an important effort related to convince human rights-sensitive governments to run for a seat in the Council and these should be a medium-term highly diplomatic task that should be supported by human rights-sensitive countries and joined by NGOs. Many countries tend to avoid to be in the Council because they have to make decisions and then other countries that are opposed to human rights easily go to be part of the Council. So this is a task that should, could be done and should be done to improve representation in the Council.

I also mention that the General Assembly has the right to suspend membership of a Human Rights Council member that commits gross and systematic violations of human rights. That was a sort of written norm that nobody expected to be applied. And some weeks ago, the Council requested General Assembly the suspension of Syria, which the Assembly did.

Dokhi Fassihian: Libya.

Carlos Portales: Libya.

Paula Schriefer: Soon Syria.

Carlos Portales: And which it did, setting an important precedent.

Let me keep the question of the Universal Periodic Review but I am going to say just two things. One, this is a norm for

all states and even if it's not very deep, it has allowed first of all to have, to take into account in the political body the elements provided by all rapporteurs and treaty bodies. It's their only comprehensive view that the Council has on the situation of each country and also allows the participation of NGOs and societal organizations. Mainly, it's a written report but also at the end of the process as they have before the approval by the Council of the report.

This is not a substitute for treaty bodies nor for special procedures, thematic or country-oriented, as some governments pretend. I do believe the UPR is important but gross and systematic human rights violations that should be seen not only every four years by international community.

So the next important issue is thematic and country rapporteurs. The creation of a new rapporteur on Freedom of Expression, I think the freedom of association can be a very important goal attained by the Council this year, and I think the United States play a very important role in that.

I think also some more norm-oriented decisions are very important. I would like to tell the situation of the defamation of religion. When discrimination took place in many parts of the world against some people, some countries decided to put forward a resolution on defamation of religion. The problem was that religions were attacked. And that was approved with a lot

of abstentions. But some years ago, countries began to realize that there was a deep problem in this resolution because it attacks Freedom of Expression at the end. And we began a process of changing votes from abstention to no. In 2009, my country changed the vote from abstention to no. And in 2010, three other Latin American countries changed the vote to no and the resolution was approved only by three votes. And this year, that's been replaced by a new resolution that is not focused on religion but on intolerance against people for their beliefs, which is, of course, the right human rights approach to the problem.

So, even in this Council with a lot of weakness, there is possibility to improve, and I've seen that the question of norm creation is very important and will continue to be. I am going to finalize saying that their approval of resolution in many country situations: Iran, Burma, Democratic Republic of Korea, Somalia, Sudan, and Cambodia, I'm sure that we'd be aligned for the people in those countries working for human rights. The Council also has acted on Tunisia, Burundi, Congo, Guinea, Ivory Coast, and Haiti this year, and of course, the emblematic decision on Libya. For the people of those countries, what the Human Rights Council did this year matters and I think this is very important. Perhaps not all the cases of government are covered and not all cases are covered, but at least we count the

possibility to have the effective mechanism. We have to do that but this is a space.

I would like to conclude highlighting the importance of the system for the protection and promotion of human rights. The universal system is not perfect but it is perfectible. But it will be so only if human rights-sensitive states work together in collaboration to achieve this goal. Human rights-sensitive countries and the vibrant movement of NGOs do not have a better universally recognized system today. We have to work in the system and try to do this.

I want to emphasize the importance for those who are working for human rights in governments, in international organizations, and in the civil society of an active participation of the United States. Progress is not always linear in human rights compliance, not in the Council, but commitment to improve should be sustained. For those countries like my country that are committed to human rights, the involvement of the United States in the Council is very important and a pressing, persistent, permanent involvement is needed. We have to work together for having an effect in the world on human rights promotion and protection.

Paula Schriefer: Thank you so much, Ambassador Portales. And now, we'll turn to our last speaker, Ambassador Donahoe.

Eileen Donahoe: Thank you. Let me just add my thanks to CDP and Open Society Institute and Congressman Carnahan especially and others who are involved in organizing this setting just because it's really a wonderful opportunity for us to make the case that there is a real value to the United States being in the Council. I also, before I start my comments, I want to just take note of the other panelists and say one of the greatest pleasures of my new role here is to get to meet people like these, and it really keeps me going when I get to hear from the ground in other countries where people are literally dying to fight for some of these rights and it just keeps it very real for us and I appreciated hearing the story about the Special Rapporteur on Freedom of Expression. I mean sometimes, it just takes the leadership and commitment of one person. And maybe nobody in this room appreciates what happened there, but by this one person deciding "I'm going for that and I'm going to get the right person in that job," you have no idea the effect it actually has around the globe.

I'm going to start by just commenting. I want to thank everybody for being here and I start with the presumption that everybody in this room values human rights, believes in human rights, understands that the United States is a leader on human rights and should be a leader on human rights. I would challenge anybody to raise their hand if I'm not speaking for

you in that, but I won't do that. I presume that everybody here supports human rights. So I want to challenge those who are here and really direct my comments to those and those of you who are staff members for members of Congress who believe that the United States would be better off not participating in the Human Rights Council, even though we all agree, we believe and are committed to human rights and that the United States should be leading on human rights. I want to challenge you, those of you who think it's better, if those are your goals, that the United States not be at the Human Rights Council.

And I want to comment on four fallacies that I just scribble down to myself. The first fallacy, from my point of view, and I do this respectfully with the idea that genuinely believe everybody here and all the members of our Congress support human rights and want to lead on human rights. I believe we have that shared priority and those are our goals. The question is how do we get there?

First fallacy is if we walk away from the Human Rights Council, it's easier and will be more effective to sort of start from scratch and come up with some other institution that will have a bigger global impact on changing human rights around the globe. I think that is extremely unrealistic, especially in this budgetary setting. So that's the starting plate. That's

my first comment. It may sound great to walk away and let's do it ourselves and start over. It's just not going to happen.

Second, by walking away, we are supporting Israel. I just got off the phone with the Israeli ambassador in Geneva, hit on a lot of topics, including Syria. I will tell you, he would confirm for you if he was here, the United States is the biggest deterrent to anybody in that Palais room of getting away with more Israel-bashing than it already has. Yes, there are structural built-in flaws in the Council. That's part of why we're there. The United States walks away, believe me, it is a lot worse and we are the ones who keep it in check and we are the ones that play on the consciences of others, so to think that we are helping Israel by walking away, completely wrong from the Israeli point of view.

Third fallacy, the membership at the Human Rights Council is atrocious. It's filled with the severe worst human rights abusers in the world. The membership of the Council reflects the membership of the world community. Let me start with some basics: 47 members in the Council elected on a regional basis. It's not based on population in the world. If it were based on population, where is all population, it is per capita. It's pro-rata based on country. Yes, you're right, it's not all countries that are Western democracies, but if it was, it's not clear that it would have a bigger effect in influencing other

countries. It's a global body, it's a political body. It has to reflect each of the regions, 13 from Asia, 13 from Africa, eight from Latin America and the Caribbean, seven from Western Europe, other, that's the United States, six from Eastern Europe, and that's because in those regions, there are X numbers of countries and it's based on that.

Within those regions, the countries we draw are better than the countries we don't draw. It's not as though there are no criteria. It's just there are countries in the world, the countries in all -- I mean the world is not made up of stellar human rights-respecting countries that are all perfect on the Freedom House scale.

Our job is to move them in that direction -- that's why we are there -- and to influence them in becoming more hopefully like us, at least reflecting our values. We're fight for our values. So just keep it in mind, it's not a perfect body. It's not a perfect world. We are trying to change the world. We're trying to influence the world in the right direction. Having the United States walk away doesn't really help if that is your goal.

Fourth, it's just a talk shop. It doesn't really matter, doesn't really do anything. We have this conversation over and over and over, and I come back to this idea that words matter. Affirmation of core principles ultimately sinks in, and I see

this as a battle for the dominant narrative in the world, the dominant narrative being universal human rights. I believe the narrative of universal human rights is winning, and I believe the United States plays a role in reaffirming that, and our job is to get others to reaffirm it and to no longer allow countries to get away with saying, "Oh, those are just Western values and you're imposing them on us." No, not really. It's the people in jail in Iran and the people who are being mass raped in Burma and wherever they are. These are their values. We are supporting them.

And we had a conversation last night, we don't always go in to every situation with guns blazing and certainly, from the Human Rights Council, that is not our role. Our role is to win the narrative battle, to be more effective rhetorically, and it may sound weak, but in the long run, that is what this is really about; it's convincing people that these are their values and to protect them. And that's what I believe actually has the biggest effect on human rights, when people are empowered to claim them as their own and to hold their own governments accountable.

So I ask that those that are entrenched in this really negative story about what a terrible body the Human Rights Council is think about the alternative. And the alternative is not pretty.

So let me just comment on a few things that we have done since we've been there and how we've approached it. We came in to the Council basically with a simple idea. Our job is to make it more functional and efficacious in terms of protecting and respecting human rights and reflecting our perspective on human rights. That's our right as a country. It's a political body and that's what we're supposed to do and that's what we've tried to do. And how have we done that?

We tried to reform the place by doing, by acting. We changed, we've tried to change and we've had a fair amount of success changing aspects of the working culture that were really dysfunctional. Particular in my mind is the idea that regions should vote in blocs, and which in effect mean that countries would not look at human rights situations on the merits. Instead, they would look to their regional coordinator and say, "What are we all doing together and how are we going to protect each other? And if we're not talking about our region, next time we might be. Therefore, we'll support that other region and we'll vote against it and we'll stick together." Not very functional.

And so what we have done is we've gone in and we have used our words, our speech to try to convince others to look at the facts on the ground and situation and atrocities and brutality and say, "Is that what you're supporting? And if not, stand

with us." And it has been surprisingly effective. And this is because the narrative of human rights has become dominant and people in the other regions, other countries want to say, "Yes, that is what we believe in."

This is not because the United States is telling us we should do this or value this. It's ours. It's in our constitution. This is what made it possible for us to be here as ambassadors, coming out of jail, or for the presidents and foreign ministers in some of these countries. The foreign minister of the Maldives was in town recently and he talked about how fearless he is because he was tortured. He was in prison and nobody is going to get him to back down. This is not our matter too. This is theirs and now, if we draw on that sense, we pull it out of them and they own it and we stand together. So there is more common ground than people would otherwise believe.

The other thing we have done is change the topic of conversation. We've gotten it away -- Israel line is there. It's built in. It was baked in from the beginning when we were not there. It's still there. But what we've done is we've gotten the energy off of it and we have put the energy on what we care about. Iran, first country-specific human rights mechanism created since the Council has been in existence. Freedom of association. Consensus outcome, not because everybody on the

Council wanted it but because nobody had the guts to stand up and say, "We're calling a vote against freedom of association." It's too embarrassing. And we challenged them. We had some last-minute push to get protection for human rights defenders out of the resolution by the Chinese. We're, like, "No. You don't get it if you think that's coming out. Go ahead and call a vote." And of course, they didn't. But so you have to stand up and put what you want on the agenda on the table and make others fight to get it off or get their things on the agenda.

Actually, one other good really strong example for us is the two special sessions we have had in the last number of months, both during very real-time crisis situations - Cote d'Ivoire, where an election was being stolen by a tyrant who just didn't want to go. The African group, we got the African group, which would have never held a country-specific special urgent session on one of their own regional group members. Similarly on Libya, we had a consensus outcome. We had the Libyan -- the Libyan ambassador had had a heart attack. He was in the hospital so his deputy came to the floor and basically said, "I speak for the Libyan people. I think you should call for the suspension of membership and institute a commission of inquiry on the atrocities," and we did. It was a consensus outcome. So those are American values and they happened also to

be global values and universal values. So those were consensus outcomes.

So I would just challenge everybody to let go of the easy domestic political understanding of this and remember you're American. You believe in human rights. And the question is what can the United States do to support human rights? And I met with a couple members in the Senate in the Hill and I carry around my Freedom House papers in my bag. And this is the world. Green is good. Green is free. Yellow is partly free. Purple is not free. That's what the world looks like. But this is the world out of which we have to create membership from the Council. What's our job? Our job is not to walk away and say we're only creating a little group and we'll all talk to each other, the ones at green group. Our job is to be the green group and get these people to all turn green, but we have to be talking to them, convincing them. We have to be effective with our words and our arguments.

Paula Schriefer: Thank you so much. I feel inspired myself again to keep going, and I love this idea, describing the battleground in Geneva as the battle for the dominant narrative because I think that's exactly right and I think there is a reason why countries who rank at the absolute bottom of our scale all put the word "democratic" into the titles of their countries, even though of course they are utterly completely

opposed to it. They know it matters to their own people and they crave the legitimacy that that word brings.

We have about 20 minutes left here for questions and discussion, so I would encourage all of you to quickly put aside any sense of shyness and immediately jump in. We'll ask speakers to actually line up. There is a microphone in the center there. Please use the microphone to identify yourself and please be respectful that others may have questions and so to limit your questions and comments to not too long. As people are putting their thoughts together, my staff who know me know that I am happy to dominate any conversation so if you don't come up, I could just keep this going.

I'll go ahead and throw out one question that a couple of our speakers actually alluded to, which is this idea of something else. I know that Ambassador Portales was heavily involved in the Community of Democracies when Chile hosted that meeting in Santiago. I think the fact that a lot of people in this room probably don't know what the Communities of Democracies is, partly answers the question on why that's maybe not the solution. But I would like to ask some of our speakers just to think a little bit about is this idea of setting aside the Council and creating something better a possibility and what do they think about that and is that the answer? Ambassador Donahoe alluded to it but maybe you can go into a lot more

detail about why it's so hard and why it won't work. So maybe I'll ask the speakers to comment on that. Any of you.

Thaung Htun: So my idea is that of course, we need to make a kind of alliance or coalition of like-minded. At the same time, you still need to fight the battle, as Ambassador said, the battle of dominate narrative and the world, so if we want to change the human rights situation all about the world, we need to talk to all who are not ready to accept these norms. We talk to them. We have to show them our alternative, our vision is better than them, but at the same time, having that coalition of like-minded people can be a tool to pressure them, to make those who are not ready to accept internationally accepted norms that is available, at the same time moral encouragement to the people who are still under repression.

Carlos Portales: I would like to say that why to give out universality if we go to a lesser cooperation in the human rights goal, well, we are giving up the universal values. Why to go to countries that are under dictatorship out of the possibility to be accounted for? One of the elements in the Universal Periodic Review, many countries do is to ask, to recommend countries to ratify the universal conventions. Many countries have not ratified their convention against torture and convention against discrimination of women. So if one can get universality only for filing to be accounted for, that's

different if you have a coalition of people that won't work together that I fully agree. But we have not to give up the universal right to have a universal declaration and members have to be accounted for -- they have to comply with that because this is an international obligation.

Hadi Ghaemi: And I just want to add very briefly it's a good idea of the coalition, but a disastrous idea as a replacement for something like the Human Rights Council because we are doing a great disservice to the people of these countries by isolating them and taking them out of international forums because their governments are not democratic and therefore you are taking their voice away by holding their governments accountable. So I think for the people living in these countries that we wish to have, be successful in becoming democracies, you are taking a huge leverage tool out from them and isolating them even more and giving more power to their governments to keep their repression going by taking them out of such an international forum and weakening the existing forum.

Eileen Donahoe: I just have to add to the flipside of that is you heard nobody here is against this idea of community democracies or democracies banding together, strategizing, et cetera. It's not an alternative. The flipside of leaving the people of those dictatorships alone and to fend for themselves is it's not a more effective way for the United States to have a

bigger impact by being in a group like-minded and only talking to ourselves. Our job is to influence the others.

Paula Schriefer: I would also just add to that, if you look at the various score cards that organizations like ours and Democracy Coalition Project put out, one of the things that's quite interesting is the lack of correlation or at least the lack of correlation between the ratings of countries and how we would necessarily like them to vote or engage in decisions on key issues. Certainly, the worst of the worst tend to vote in a way that's rather predictable, but almost everybody else votes in a way that really is not often very predictable and they may have other interests in mind when they are deciding whether or not to vote in favor of a new mandate.

Oftentimes, those interests were regional interests. But oftentimes, it also comes from the fact that some countries who do believe in human rights and universality of human rights don't necessarily agree technically on what should be done to address those issues.

So we talked a lot about some of the countries like Brazil and South Africa who are ranked fully free by Freedom House but they don't always agree in terms of what should be done at international organizations. So even having a like-minded group and certainly, this is true within a community democracies, certainly, it has not guaranteed that these countries agree on

what should be done. So I'll stop there and see if we have any individuals in the audience who have questions. Yes. Please just come right up to the microphone and introduce yourself.

David Andrews: My thanks to the distinguished members of this panel and the Freedom House. It's a real honor to be here. My name is David Andrews. I work for the State Department Democracy, Human Rights, and Labor in multilateral and local affairs, so this brings up my question. Ambassador Donahoe, again, an honor, you mentioned specifically the narrative on human rights and that we can all agree to it. How, in light of the fact that perhaps the mistrust of many members of the Human Rights Council global community toward the United States or actually idea of perhaps misconception of we are attempting to impose our political system or ideology on them, how do we and should we separate the dialogue on human rights from the dialogue on democracy?

Eileen Donahoe: So let me make sure I understand your question before you step back. When you say "the members," are you talking about the members of Congress?

David Andrews: No, no, no, the members of the Human Rights Council.

Eileen Donahoe: And so this question your operating assumption is that many members of the Council presume that we are trying to impose --

David Andrews: A political system rather than the idea of human rights, our perceptions of democracy as such. Am I correct in assuming this number one...

Eileen Donahoe: I have not found that to be the case. I've only been there a year and my experience is that it is a given among pretty much all the members, including -- I could take the Russians sitting next to us and maybe the Chinese, I would put it, they might have a different -- I won't speak for them but even the Cubans, I mean I don't hear it as though we are trying to impose democracy. I hear it as "You, the United States, choose to emphasize different things and you're selective in your approach to human rights. We like this approach."

For example, political civil rights versus economic social culture rights, so many of these things are emerging and the United States, if you can change some of its views on economic social cultural rights, we don't have perfect clarity yet. But I am not sensing that that conversation that does take place in the outer world would really be primary conversation in the Council. The operating assumption of everyone is we are there to do human rights. We just disagree about what to emphasize. And in fact, they would turn it on us and say, "You are the real human rights abuser." They're not saying, "Oh, you are trying

to impose democracy on us." They are saying, "Look at Guantanamo. Look at whatever, death penalty."

Female Voice: Hi, I'm from Congressman Waxman's office. Thank you all for coming. I have a question for Ambassador Portales and I think Ambassador Donahoe, you could probably comment on it.

I was recently in a meeting where Ambassador Rice was talking about the Human Rights Council and on the topic of Israel, she said, "We've had progress but not success," and it was a very simple but clear characterization of how much you've been fighting and we follow your statements really strongly, and the Special Rapporteur is actually a really interesting example where the United States has been very vocal in criticizing, for example, Richard Falk, and how all of this work that we're doing to answer the credibility of the Council when you have somebody who is just not the right person for whatever job he's been tasked for and he is so incendiary, and how you've gone from the experience of working with Rapporteurs and is that a reasonable example of something where we could try and actually make an achievement on something that's structurally a problem that has brought discredit on the Council?

Carlos Portales: Perhaps this is a very difficult question to answer because I think of course there is the character of selectivity in the question of Israel, but I think that there is

also a very different perception in the question of Israel from the United States and from the rest of the world, even Europe. So there are issues, even you mentioned yourself, Falk, he was finally attacked by the Arabs too. So the question of human rights, and to be honest, what's going on is this was already bad even for us when I was in government. Many of these things that we received we didn't like but you know that at some part of the truth were there. So I'm not going to say that -- I cannot pretend that Israel is not over concern in the Council but then it's probably been. And I think the problem, the situation of Israel transcends the Council. It's much more complex. And we have a good relation with Israel and also with the Arab countries and with Palestine and with others and we have the power for communities of both and at the president, it just in Israel and Ramallah. And I see that the only solution to this treatment is cross off this, unfortunately.

Eileen Donahoe: Just specifically to your question, the irony here is that the Palestinians are the ones who fought really -- they tear your hair out about them because it unbinds the credibility of their perspective. And the Israelis, off the record, we'll say they love them because --

Male Voice: [Indiscernible]

Eileen Donahoe: Exactly. Our problem with this issue, it would be great to handpick and say, this one guy, it's not

disagreeing with him on his political judgment. It is his judgment, and the sense that perhaps conflict of interests and he wasn't a good choice for that reason, not because it's not on the merits. The problem for us is if, and we have discussed this, if we go really hard after it, we will turn on everybody else making their arguments about everybody and we will end up in a food fight all the time about every selection. So there are costs and there are benefits. If we could just do the one case, it would be much easier. So that's the challenge for us. And I think he is disregarded to a large extent but --

Paula Schriefer: Yes, please.

Male Voice: Hi. My name is [indiscernible]. I'm a Initiative for China. And first of all, I want to thank the organizer and the sponsor for this section. Also, I wanted to particularly thank Adviser Donahoe for her leadership and for your support of my colleague, Dr. Yang Jianli, when he was doing his speech at Geneva last March. It was interrupted but in fact, by the representative. I am really convinced by the panel that U.S. must stay in Geneva in the Council. I think it's critical. And at some time, I also think America should take more leadership, more responsibility. But it will take various measures to exert pressure on the human rights abusers. I think one of the -- I think the leader of the human rights abuser is China. But so far, the Council hasn't done anything. So I

wonder if in the future, do you have any plan, like initiate some kind of like a resolution, establish the special mechanism to monitor China's situation? China's human rights condition is getting worse everyday. Thank you.

Paula Schriefer: I don't know if you want to respond to that. In the Commission days, there were many, many attempts to get a resolution on China and obviously it didn't pass. So maybe you can comment on this one.

Eileen Donahoe: I would personally love to do that, for many reasons which I won't go into. But I will also say that one of the challenges we have, we have discussed that when it is this the right time to be willing to go down on principle, and right now, we feel like we are still needing to convince people that we can do anything positive, so failure is not really an option. So we would have to guarantee success. And the reason China is so difficult is they have incredible leverage in many other ways that they use shamelessly. Shamelessly. And until we can guarantee that we can overcome that approach, we're not ready to go down on principle in this case. So until we're there, you won't see us move, but we are thinking about it.

Paula Schriefer: Any last questions for our panel?

Mary McGuire: Hi. My question is for Ambassador Donahoe. I'm Mary McGuire from Freedom House. We heard yesterday from a group of Syrian human rights defenders that what they would like

the international community to do is for the Human Rights Council to put a special session on Syria, which is ironic, considering their bid to get on the Council, and I guess I'm wondering what the U.S. doing or can the United States do?

Eileen Donahoe: So we are in conversations about potential special sessions. As you know, the Middle East, North Africa, everywhere, it's Egypt one week we're pressuring for and then it's Bahrain and then it's Yemen and -- it's looking like we're moving toward a regional thematic that depending on how the situation in the realm changes in Syria could ultimately lead to what you are asking for. But again, it's one of these things we need to succeed so we have to make the calculation. And what I would ask everybody in this room, to the extent you have leverage with anyone, is get people thinking about how to ensure that in New York, not in Geneva, in New York, at the GA, where the elections happen, make sure this issue of Syria's human rights record is top of the agenda and people are aware of it.

There are criteria in the institution-building package of the Human Rights Council where membership is supposed to correlate with your human rights record. The question is are people, are the countries voting reading that or paying attention to it, and we need to put pressure on, in the Asian group, to say, "Shameful. This cannot be a candidate you put up on a clean slate. Otherwise, you're going to end up as the

African group did where potentially, one of your members is stripped of privileges and you are down a vote. So make that decision before you vote," that they don't put them up on a clean slate. And we want to get people thinking about that for if they are voted in and then all we are left with is stripping privileges if we're lucky.

Paula Schriefer: That's a great answer and a good way I think to end this session. I want to thank you all for coming today and if you would join me in congratulating our panelists and thanking them for their time.

[Applause]

[End of transcript]