US Should Drop Out of UN Human Rights Council

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Last week, Nikki Haley, the U.S. ambassador to the United Nations, in an [op-ed piece](https://www.washingtonpost.com/opinions/the-un-human-rights-council-whitewashes-brutality/2017/06/02/c3757c2a-46e6-11e7-a196-a1bb629f64cb_story.html?utm_term=.b4dc7758cf6e), openly questioned whether the U.N. “Human Rights Council actually supports human rights or is merely a showcase for dictatorships that use their membership to whitewash brutality.” She charged, “The victims of the world’s most egregious human rights violations are ignored by the very organization that is supposed to protect them.”

In a blunt speech to the Human Rights Council (HRC) in Geneva earlier this week, Haley [reminded](https://geneva.usmission.gov/2017/06/06/ambassador-nikki-haley-address-to-the-u-n-human-rights-council/) members, “The United States is looking carefully at this Council and our participation in it.” She declared, “Being a member of this council is a privilege, and no country who is a human rights violator should be allowed a seat at the table.” Secretary Rex Tillerson in March also underscored the need for considerable [reform](http://foreignpolicy.com/2017/03/14/tillerson-to-u-n-rights-council-reform-or-were-leaving/) in the HRC to ensure continued U.S. participation.

Anticipating Haley’s remarks, Zeid Ra’ad al-Hussein, the U.N. high commissioner for human rights, expressed his [frustrations](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687&LangID=E). “When thug-like leaders ride to power, democratically or otherwise, and openly defy not only their own laws and constitutions but also their obligations under international law, where is their shame?”

The question should be, “Where is the HRC?”

U.S. participation in the HRC has been a contentious issue since the HRC [replaced](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement)  the much-[scorned](https://rsf.org/sites/default/files/Report_ONU_gb.pdf) U.N. Commission on Human Rights in 2006. The Bush administration declined to join the HRC doubtful of its “[effectiveness](https://2001-2009.state.gov/r/pa/prs/ps/2006/64182.htm)” in promoting human rights. Sen. Bill Frist (R-Tenn.) introduced [S. Res. 418](https://www.congress.gov/crec/2006/03/31/CREC-2006-03-31-pt1-PgS2692-2.pdf) opposing U.S. participation.

In May 2017, the Senate Subcommittee on Multilateral International Development held [hearings](https://www.foreign.senate.gov/hearings/052517) on whether the U.S. should remain in the HRC. There was clear [consensus](https://www.foreign.senate.gov/imo/media/doc/052517_Silverberg_Testimony.pdf) in the expert testimony that the HRC needs to be a “credible, multilateral institution capable of supporting countries attempting to reform and of responding decisively to violations of human rights”.

The HRC is an intergovernmental [body](http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm) with a membership of 47 states distributed among the U.N.’s [regional groups](http://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx). The HRC was [established](http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx) to strengthen and promote global human rights protections and make remedial recommendations. HRC members must [uphold](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) “the highest standards in the promotion and protection of human rights during their term of membership.” A member may be [suspended](http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm) for engaging in “gross and systematic violations of human rights”.

HRC has indeed become a “haven for dictators” and a den of gross human-rights violators. Haley correctly [argues](https://www.washingtonpost.com/opinions/the-un-human-rights-council-whitewashes-brutality/2017/06/02/c3757c2a-46e6-11e7-a196-a1bb629f64cb_story.html?utm_term=.44d0fe362246) the “presence of multiple human rights-violating countries on the Human Rights Council has damaged both the reputation of the council and the cause of human rights: a human dignity is discredited.” It is ludicrous to expect the foxes to safeguard the henhouse.

Haley singled out various [countries](https://www.washingtonpost.com/opinions/the-un-human-rights-council-whitewashes-brutality/2017/06/02/c3757c2a-46e6-11e7-a196-a1bb629f64cb_story.html?utm_term=.a0e3231cfe94) notorious for human rights violations [serving](http://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx) on the HRC, but glaringly omitted one of the most egregious violators of human rights in Africa that is serving a second term on the council: Ethiopia is the poster child for the types of complaints and criticisms made by Haley against the HRC.

In its 2014 [Universal Periodic Review](http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/Session19/ET/A-HRC-27-14-Ethiopia_E.doc&action=default&DefaultItemOpen=1), HRC reported that in Ethiopia, “Freedom of expression continued to thrive," and that, “Ethiopia had zero tolerance for torture and inhuman, degrading or other cruel treatment.”

However, Human Rights Watch (HRW) in 2014 [reported](https://www.hrw.org/world-report/2014/country-chapters/ethiopia) the existence of “severe restrictions on the rights to freedom of expression” in Ethiopia and the occurrence of “torture and abuse” in its prisons. The 2014 U.S. human rights [report](https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/) singled out Ethiopia for “stifling free and open media and the development of civil society” and “[routine](https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/) use of torture”.

In its 2009 [Universal Periodic Review](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ET/A_HRC_WG6_6_ETH_1_E.pdf), HRC [reported](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ET/A_HRC_WG6_6_ETH_1_E.pdf) Ethiopia had made “significant progress in freedom of expression” and “peaceful assembly and demonstration occurred without any barrier.” [HRW](https://www.hrw.org/world-report/2009/country-chapters/ethiopia) and other [reports](https://www.state.gov/j/drl/rls/hrrpt/2009/af/135953.htm) sharply disagreed. It is extraordinary that the HRC [ignores](http://freeassembly.net/reports/ethiopia-communications/) its own findings contradicting its periodic reviews on Ethiopia.

The ruling regime in Ethiopia is infamous for gross human rights violations. In November 2016, the African Commission on Human and Peoples' Rights issued a [resolution](http://www.achpr.org/sessions/59th/resolutions/356/) “condemning the deteriorating human rights situation” in Ethiopia and singled out “undue restrictions on fundamental human rights and freedoms resulting from the [state of emergency](http://www.ictpolicy.org/blog/wp-content/uploads/2016/10/Ethiopia-State-of-Emergency-Directive-October-15-2016.pdf).”

During Ethiopia’s membership in the HRC, there have been numerous instances of [documented](https://www.hrw.org/world-report/2017/country-chapters/ethiopia) gross human rights [violations](https://www.state.gov/documents/organization/265466.pdf). The HRC has neither suspended nor sanctioned Ethiopia.

To add insult to injury, for over a decade and even [today](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663) as a member, the Ethiopian regime has [refused](https://www.hrw.org/news/2017/04/21/fear-investigation-what-does-ethiopias-government-have-hide) entry to all of the HRC’s special rapporteurs with impunity. In August 2016, al-Hussein [urged](http://www.reuters.com/article/us-ethiopia-violence-un-idUSKCN10L1SY) an independent investigation into the use of excessive force in certain regions of Ethiopia, which was ignored by the regime.

Al-Hussein recently [lamented](https://youtu.be/jPJxuTPX5QI) “the extremely large number of arrests, over 26,000” in Ethiopia, but did not seek Ethiopia’s suspension from the HRC. All the HRC has been able to do in Ethiopia is make more recommendations to replace [recommendations](http://uhri.ohchr.org/EN/search/results?cc=ET) already made.

U.S. proposals to reform the HRC by denying membership to the worst human rights abusers; even-handed criticism of all violators; use of competitive voting instead of assignment by regional blocs; and increased accountability are steps in the right direction, but will ultimately prove futile as they have with the discredited U.N. Commission on Human Rights.

Continued U.S. membership in the HRC merely legitimizes HRC’s global human rights grandstanding and window-dressing in  promoting and defending human rights.  HRC is broken beyond repair.

President Obama talked about the U.S. being on the right side of [history](https://obamawhitehouse.archives.gov/the-press-office/remarks-president-ghanaian-parliament) on human rights. Continuing membership in the HRC is being on the wrong side of history. Jimmy Carter [said](https://www.jimmycarterlibrary.gov/documents/speeches/farewell.phtml), “America did not invent human rights. Human rights invented America.” America can try to reinvent the HRC, but neither the U.N nor the U.S. can put the HRC Humpty Dumpty back together.