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United Nations Commission on Human Rights (UNCHR): U.S. Membership

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Summary

The United States played a major role in establishing the U.N. Commission on Human Rights (UNCHR) and has been a member of that body from its first meeting in 1947. The U.S. term ends on December 31, 2001, because the United States did not secure enough votes to retain its seat in 2002. In response to this action by U.N. member countries, the House of Representatives on May 10, 2001, adopted an amendment to the Foreign Relations Authorizations for FY2002-2003 (H.R. 1646) withholding the third and final arrears payment (\$244 million) to the United Nations and other international organizations until the United States regains a seat on the UNCHR. This short report provides an overview of the UNCHR and Administration and Congressional responses to recent developments. It will be updated when significant changes occur.

Background on the U.N. Commission on Human Rights

The U.N. Commission on Human Rights is the main U.N. intergovernmental policy-making body dealing with human rights issues worldwide. In its first years after its establishment in 1946, the Commission concentrated on setting human rights standards by drafting international human rights treaties and declarations. Among its first accomplishments was overseeing the drafting of the *Universal Declaration of Human Rights*. The Commission has focused on investigation of alleged human rights violations, coordination of human rights activities in the U.N. system, and provision of advisory and technical services to countries requesting such help. In recent years, the Commission has given greater attention to the promotion of economic, social and cultural rights, including the right to development and to an adequate standard of living. It has also increased attention to protection of the rights of particularly vulnerable groups in society, such as women, children, minorities and indigenous people.

The Commission currently numbers 53 delegates representing member governments. The members are elected by the U.N. Economic and Social Council

(ECOSOC)¹ for staggered three-year terms on the basis of the following formula to ensure equitable geographical distribution: 15 from African countries; 12 from Asian countries; five from Eastern European countries; 11 from Latin American and Caribbean countries; and 10 from Western European and other countries (includes the United States). Representatives of other governments may participate as observers as may regional and international organizations, national human rights institutions, and nongovernmental organizations.

In 1947 the Commission established a Sub-Commission on Prevention of Discrimination and Protection of Minorities (re-named the Sub-Commission on the Promotion and Protection of Human Rights) composed of 26 experts serving in their personal capacities. In order to examine specific human rights situations and problems the UNCHR established Working Groups and Special Rapporteurs to examine country-specific problems or to monitor major phenomena such as summary and arbitrary executions, religious intolerance, racism, sale of children, and violence against women. The Commission holds one six-week regular session in the spring of each year in Geneva, Switzerland. Since 1990 the Commission has been authorized to meet between regular sessions. The Commission has held four special sessions: in 1992 and 1993 on the former Yugoslavia, in 1994 on Rwanda, and in 1999 on East Timor.

The 2001 Session of the UNCHR

At its 57th regular session (March 19 through April 27, 2001), the Commission debated a wide range of human rights issues, adopted 82 resolutions, 16 decisions, and 4 chairman's statements. Resolutions were adopted criticizing the human rights situations in Afghanistan, Burma (Myanmar), Burundi, Cuba, Democratic Republic of the Congo, Equatorial Guinea, Iran, Iraq, Sudan, Sierra Leone, and Chechnya in the Russian Federation. The Commission expressed concern about Lebanese detainees in Israel and condemned the human rights situation in Israeli occupied territories. As in previous years, a draft resolution on the situation of human rights in China (sponsored by the United States) was defeated on a no-action motion tabled by China and passed by a vote of 23 to 17 with 12 abstentions.

The Commission ended the mandate for the special representative for Rwanda, appointed a special rapporteur for indigenous peoples, and agreed to begin negotiations on a treaty to prevent "enforced disappearances." It extended the mandates of the special rapporteurs or special representatives for Afghanistan, Burma (Myanmar), Burundi, Democratic Republic of Congo, Equatorial Guinea, Iran, Iraq, and Sudan. Mandates were extended for special rapporteurs, special representatives, or independent experts on the following topics: mercenaries; the right to development; the right to education; the illicit transfer and dumping of toxic products and wastes; torture; freedom of religion;

¹ The Economic and Social Council was established by the U.N. Charter as the principal organ, under the authority of the U.N. General Assembly to promote international economic, social, cultural, educational, health, and related matters including universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Article 68 of the Charter mandated that ECOSOC establish commissions in economic and social fields and for the promotion of human rights.

extrajudicial, summary, or arbitrary executions; internal displacement; and the sale of children, child prostitution, and child pornography.

2001 Elections for Members of the UNCHR (for terms beginning in Jan. 2002)

On May 3, 2001 the 54-member U.N. Economic and Social Council (ECOSOC) held elections for a number of Commissions and other bodies subject to the Council, including the 14 seats that were up for renewal on the Commission on Human Rights. Elections for the 53-member UNCHR are staggered so that a part of the Commission is elected every year for a term of three years. The 14 seats up for election were allocated in the following geographic distribution: 4 from African countries, 2 from Latin American and Caribbean countries, 3 from Asian countries, 2 from Eastern European countries, and 3 from Western European and other states (the United States is in this group). Each geographic group nominated candidates for election. The African group nominated 4 members and the Latin American and Caribbean group nominated 2. Since the number of nominees and slots were the same, a formal vote was not required and the candidates were elected by acclamation.² In the other groups more candidates were nominated than available seats. So ECOSOC followed its procedures for secret balloting. In the Western European and other group 4 countries contested for 3 slots: Austria, France, Sweden, and the United States. The balloting produced the following result: France 52 votes, Austria 41 votes, Sweden 32 votes, and the United States 29 votes. Thus the first 3 were elected and the United States was not.

The United States and the UNCHR

The United States played a key role in establishing the Commission and provided its first chairperson, Eleanor Roosevelt. From its first meeting in 1947 until its term ends in December 31, 2001, the United States has always been represented on the UNCHR. The United States has been an active participant and has been supportive of Commission activities. U.S. efforts since 1990 to have the Commission adopt a resolution on China's human rights practices, however, have not succeeded.

The 2001 election which denied the United States a seat on the body for the first time since its establishment produced an especially angry response in the United States. The Bush Administration expressed disappointment and even outrage at the results of the election, especially since some countries which were elected such as Sudan, Uganda, and Pakistan, have serious human rights problems. At the same time, however, the Administration opposed linking U.S. financial obligations to international organizations to the outcome of the vote for Commission membership.³

² Rule 68 of ECOSOC procedures relating to elections states: "All elections shall be held by secret ballot, unless, in the absence of any objection, the Council decides to proceed without taking a ballot on an agreed candidate or slate." *Rules of Procedure of the Economic and Social Council*, U.N. document E/57115/Rev.2.

³ President George W. Bush during a press conference on May 11, 2001 responding to a question on whether the U.S. arrears payments should be withheld because of the vote on the Commission seat, said: "I think we have made an agreement with the United Nations, an agreement that had
(continued...)

Congress has generally supported active U.S. participation on the Commission.⁴ However, Congress has also been critical of the actions of some Commission Rapporteurs investigating U.S. human rights practices, as well as Commission inaction in condemning human rights violations in certain countries, most notably China.

Denial of a seat for the United States on the Commission produced a strong reaction in Congress. The House of Representatives, on May 10, 2001 while considering foreign relations authorizations legislation (H.R. 1646) on May 10, 2001 agreed (252 to 165) to an amendment offered by Representatives Henry Hyde and Tom Lantos which requires that the third and final tranche of U.S. arrears payments (\$244 million) to the United Nations and other international organizations be contingent on a certification by the Secretary of State that the United States has regained a seat on the U.N. Commission on Human Rights.

Speaking in support of his amendment, Representative Hyde decried the Commission election vote as “a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur; including in those countries represented on the Commission such as China and Cuba... it is appropriate that the U.S. send its own message to U.N. member states, and particularly the members of the western European group. If allowed to stand, this decision threatens to turn the Human Rights Commission into just one more irrelevant international organization”.⁵ Representative Lantos expressed regret at having to offer the amendment and acknowledged the United Nations as indispensable. Nevertheless, he stated “I, along with the bulk of the American people, am outraged by the vote last week that put Sudan on the U.N. Human Rights Commission and took the United States off.”⁶

Representatives Cynthia McKinney and Carolyn Maloney opposed the amendment arguing that it was inappropriate to link U.S. arrears payment to membership on the Commission. Representative Maloney argued that the “United Nations did not remove the United States from the Human Rights Commission. That action was by the 54

³ (...continued)

been negotiated in good faith, and I think we ought to pay our dues. Having said that, the decision was an outrageous decision. To me, it undermines the whole credibility of this commission – to kick the United States off, one of the great bastions of human rights, and allow Sudan to be on.”

⁴ The Senate adopted S. Res. 22 on March 20, 2001 urging the U.S. representative to the UNCHR to introduce a resolution calling on China to end its human rights violations in China and Tibet; and the House passed (406-6) H. Res. 56 on April 3, 2001 calling for the same U.S. actions on China. The House also on April 3, 2001 by vote of 347 to 44 agreed to a H. Res. 91 urging the President to make all necessary effort to obtain passage during the 2001 meeting of the UNCHR of a resolution condemning the Cuban government for its human rights abuses, and secure the appointment of a Special Rapporteur for Cuba.

⁵ *Congressional Record*, May 10, 2001, p. H2125

⁶ *Ibid.*, p. H2092

member states of the U.N. Economic and Social Council. . . To penalize the U.N. for the actions of individual member states violates every sense of fair play.”⁷

Members of the U.N. Commission on Human Rights

(Terms end on December 31 of the year in parentheses)

Columns 1-3 Show Members in 2001

Columns 2-4 Show Members in 2002

Colombia (2001)	Argentina (2002)	Algeria (2003)	Armenia (2004)
France (2001)	Brazil (2002)	Belgium (2003)	Austria (2004)
Rep. Of Korea (2001)	Burundi (2002)	Cameroon (2003)	Bahrain (2004)
Latvia (2001)	China (2002)	Canada (2003)	Chile (2004)
Liberia(2001)	Czech Rep. (2002)	Dem. Rep. of Congo	Croatia (2004)
Madagascar (2001)	Ecuador (2002)	(2003)	France (2004)
Mauritius (2001)	Germany (2002)	Costa Rica (2003)	Rep. of Korea (2004)
Mexico (2001)	Indonesia (2002)	Cuba (2003)	Mexico (2004)
Niger (2001)	Italy (2002)	Guatemala (2003)	Pakistan (2004)
Norway (2001)	Japan (2002)	India (2003)	Sierra Leone (2004)
Pakistan (2001)	Nigeria (2002)	Kenya (2003)	Sudan (2004)
Qatar (2001)	Portugal (2002)	Libya ((2003)	Sweden (2004)
Romania (2001)	Spain (2002)	Malaysia (2003)	Togo (2004)
USA (2001)	Swaziland (2002)	Peru (2003)	Uganda (2004)
	Zambia (2002)	Poland (2003)	
		Russia (2003)	
		Saudi Arabia (2003)	
		Senegal (2003)	
		South Africa (2003)	
		Syria (2003)	
		Thailand (2003)	
		United Kingdom	
		(2003)	
		Uruguay (2003)	
		Venezuela (2003)	
		Vietnam (2003)	

⁷ *Congressional Record*, May 10, 2001, p. 2127.