

**Written Testimony Submitted by Deputy Assistant Secretary Suzanne Nossel,  
Bureau of International Organization Affairs,  
To the Tom Lantos Human Rights Commission  
On "The U.S. Government's Relationship with the Human Rights Council"  
October 25, 2011**

Chairman McGovern, Chairman Wolf, and Members of the Tom Lantos Human Rights Commission, thank you for inviting me to testify today.

It is an honor to testify in front of this Commission named for the late Congressman Tom Lantos, a stalwart champion of human rights whose legacy lives through the work of this Commission.

In April 2006, in an article that I ask be submitted for the record, then Chairman Lantos said that the United States "shot itself in the foot" when it announced that Spring that it would not seek a seat in the newly formed United Nations Human Rights Council (HRC). He said that "the new body's membership and voting requirements offer tools that American diplomats could leverage to dismantle the myth of moral equivalency among states that has long polluted the U.N. human rights efforts." He concluded that by excluding ourselves, "We suffer from a self-inflicted wound at the United Nations; it is time to staunch the bleeding."

Over the next few years, Chairman Lantos' hopes for the Human Rights Council went mostly unfulfilled. Before we joined in September 2009, the Council seemed to have hit rock bottom. In May 2009, the Council held a Special Session on the situation in Sri Lanka, and passed a controversial resolution that ultimately congratulated the government for actions that a subsequent UN report claims may have resulted in the deaths of up to 40,000 civilians. In June 2009, the Council came within one vote of not renewing the mandate of the independent expert in Sudan amid turmoil and major abuses in that country. In three years of operation, the Council had established not a single new country-specific special procedure

and eliminated the mandates for Cuba and Belarus. Yet over that three year period, the Council had held five separate special sessions targeting Israel.

When the United States decided to join the Human Rights Council in 2009, we had no illusions. We made a conscious decision, knowing that the institution was flawed, but believing that U.S. diplomats could use the tools that Chairman Lantos cited to make the Council a more credible, responsive, and effective body. We have a long way to go before the Human Rights Council lives up to its potential, but we have already achieved concrete results over the last 24 months by working for real change from within.

We have brought international attention to some of the world's most egregious human rights abusers and created new mechanisms to spotlight and address serious human rights concerns. For example:

- The United States led efforts to hold two Human Rights Council Special Sessions, first in April and then a follow-up session in August, on the human rights situation in **Syria**. These represent the most comprehensive actions by a UN political body to the appalling crackdown and crisis in Syria over the last seven months. The April resolution condemned the violence and dispatched a UN fact-finding mission. In August, when the situation had further deteriorated on the ground and Syria refused to allow access to the fact-finding mission, the Council, by a vote of 33 to 4, and with the support of Arab member states, established an international Commission of Inquiry to investigate violations and advance accountability and demand access from Damascus.
- In late February 2011, the United States worked closely with European and others partners on a resolution condemning Qadhafi's abuses against his own people, launched an international Commission of Inquiry (COI) in **Libya**, and recommended that the UN General Assembly (UNGA) suspend Libya's rights of membership. This resolution – passed by consensus - served as a catalyst for a dramatic escalation of action within the UN system. Having witnessed the unprecedented consensus achieved in the 47-member Human Rights Council, the very next day, the UN Security Council (UNSC) demanded an end to the violence and decided to refer the situation to the International Criminal Court.

The next week, the UNGA passed a resolution to suspend Libya's rights of membership from the Human Rights Council -- the first time this had ever happened -- setting an important precedent for future human rights violators who also wished to serve on the Council. As the situation worsened the international consensus for action was sustained, setting the stage for UNSC resolution 1973 authorizing the NATO operation. The HRC's work on Libya has come almost full circle. This September, the United States led a consensus resolution that recommends the UN General Assembly lift Libya's suspension from the Human Rights Council. At our strong urging, the resolution also welcomed the commitments made by the new Libyan government to uphold its obligations under international human rights law and to cooperate with international human rights mechanisms, including the international COI.

- In March of this year the United States helped lead an effort to create the Human Rights Council's first new country-specific Special Rapporteur on the Human Rights Situation in **Iran**. At that time, Iran's Ambassador to the Council accused the United States of being "the main organizer of this campaign" and said that Washington's membership in the Council since September 2009 had proved to be a "great setback." The work of the Iran Special Rapporteur is already making a difference. Last Wednesday, October 19, in a report before the UN General Assembly, the new rapporteur, Dr. Ahmed Shaheed, issued a hard-hitting report noting that Iran's authoritarian regime had secretly executed hundreds of prisoners, persecuted religious and ethnic minorities, harassed and intimidated human rights defenders, and tortured detainees. Without sustained U.S. support for this initiative, these revelations might never have been addressed by a UN independent investigation.
- To address the human rights situation in **Sudan**, in September, the United States worked with the Africa Group on a consensus resolution that renewed the mandate of the independent expert on the situation of human rights in the Sudan, expressed international concern at the humanitarian situations in Southern Kordofan and Blue Nile, and called upon all parties to immediately end violence and halt clashes. A resolution that passed by one vote in 2009, and by seven votes in 2010, passed by an unprecedented consensus this year.

- This past June, the United States worked with several countries at the Council, including the Netherlands, to spotlight abuses in **Yemen**, yielding a strong report issued by the Office of the High Commissioner for Human Rights (OHCHR) in September that called on Yemen to end attacks against peaceful protesters and other civilians, as well as to take steps to ensure the protection of vulnerable populations, such as displaced persons, and peaceful demonstrators. At the September session, the Council followed up with a consensus resolution that condemned ongoing violations and called for a rapid political transition and transparent and independent investigations.
  
- In December 2010, the United States worked closely with the Africa Group to galvanize support for a special session on the situation in **Cote d'Ivoire**, sending Laurent Gbagbo a clear message that the world was watching his actions and that atrocities and human rights violations would not go unnoticed. The session garnered global media attention, putting a spotlight on the human rights dimension of a brewing political crisis. This led directly to the establishment of a Commission of Inquiry for Cote d'Ivoire in the March 2011 session. The Commission's report, released in June 2011, confirmed that grave human rights violations had been committed by armed forces on both sides and recommended concrete steps to secure peace and to bring perpetrators to justice.
  
- With U.S. leadership, the Council inaugurated a new effort to focus on country-specific resolutions that heighten the political imperative for transitional and emerging new governments that take power after crises or coups to uphold their human rights obligations. We have worked to urge these countries to come to the HRC, make clear their willingness to be held accountable for upholding their human rights obligations, and open themselves up to technical assistance to improve their human rights capacity. For example, the new governments of **Kyrgyzstan, Guinea, Cote d'Ivoire, Tunisia, South Sudan, and Libya** have opened themselves up to the attention of the Council and the Office of the High Commissioner through such resolutions. We hope this becomes a more common practice for newly emerging governments to place emphasis on their human rights duties and open themselves up to scrutiny.

- The United States sought to be an example to others in carrying out our own **Universal Periodic Review (UPR)**, a process whereby every Member State in the UN system undergoes a review of their own domestic human rights record every four years at the Human Rights Council. The United States presented its first UPR in November 2010. In addition to the oral presentation of our report, we undertook an unprecedented degree of civil society consultation and engagement. Prior to submitting our report, we discussed the USG's record with local NGOs in 14 town hall meetings throughout the country to receive input from civil society. After presenting our report, we hosted a town hall with more than 100 NGOs who were able to interact with the 12 high ranking delegation members present. We hope it will serve as a model to other countries that must recognize that their most important human rights obligations are to their own citizens, and that those citizens must be empowered to hold them accountable. The UPR process has also provided the United States with an international stage on which to publicly condemn grave human rights violations by the governments of Cuba, Iran, North Korea, and other oppressive regimes. Our statements alert these governments that the world is watching.

The United States has also used the Council as a forum to fight for fundamental freedoms and human rights, and advance universal values. We have also been able to use our position within the Council to scale back or prevent unhelpful actions by those seeking to undermine or roll back fundamental freedoms.

- In June of this year, the Council took bold, assertive action to highlight violence and human rights abuses faced by **lesbian, gay, bisexual, and transgender (LGBT) persons** around the world. This was the first UN resolution recognizing the human rights of LGBT persons; as the Secretary has stated, gay rights are human rights. The resolution will commission the first UN report on the challenges faced by LGBT people around the world and will pave the way for sustained Council attention to LGBT issues in sessions to come.
- In September 2010, we established the first-ever UN Special Rapporteur to protect **Freedom of Peaceful Assembly and of Association**, who is empowered to monitor crackdowns on civil society groups, and through vigilant

exposure of state conduct will advance protection of the universal rights to free assembly and association. In a first at the HRC, the U.S. built a unique, cross-regional coalition of 63 co-sponsors that led to consensus passage of the resolution.

- In September 2010, we championed the establishment of a Working Group of Independent Experts to prevent **Discrimination Against Women**. A similar resolution failed in 2009, before the U.S. joined the Council. According to Ms. Faiza Mohamed, Nairobi Office Director of Equality Now, “It has not been easy to achieve this new mechanism, but the adoption by consensus of the resolution by the Human Rights Council has given us confidence that governments around the world are taking the issue of women’s equality seriously.”
- Through assertive U.S. global outreach, the margin by which the pernicious defamation of religions resolution – a resolution that sought to combat religious intolerance by imposing bans on free speech – passed shrank from 12 in 2009 to three in 2010. In March 2011, the United States was instrumental in galvanizing support for a consensus resolution that marked a sea change in the dialogue on **countering offensive speech based upon religion or belief**. This resolution “Combating Discrimination and Violence,” rejects limitations on free speech and instead embraces dialogue and education. For the first time in 12 years, the Organization of the Islamic Conference dropped its push to ban defamation of religion. This effort was lauded by the U.S. Commission on International Religious Freedom and NGOs devoted to freedom of expression and freedom of religion.

With that said, the United States has been able to change the political dynamics of the Council since joining in 2009. Governments that had traditionally been cautious about condemning country-specific situations recognized that countries like Libya, Syria, and Iran had crossed the line. Countries that balk at Human Rights Council action have become increasingly isolated: the Libya COI passed by consensus, only seven countries voted against the Special Rapporteur on Iran, and only four countries voted against the Syria COI. We have also encouraged countries to vote based on principle rather than based on their regional bloc, and

have had some important successes. We have been able to get key African countries to vote against the defamation resolution, and in support of extending the independent expert in Sudan. Our engagement also made it possible for us to mount successful campaigns to block the bids of Iran and Syria to join the Council. The United States has also expanded the Human Rights Council's role as a forum for NGOs to speak out, directly confront repressive regimes, and host side events on issues of concern. Given a strong U.S. presence and active diplomacy, it has made it more difficult for governments on the Human Rights Council to remain silent when serious human rights violations occur.

Despite these concrete accomplishments, we agree that the Council remains far from the institution it needs to be, particularly with regard to its biased treatment of Israel. By joining the Council and becoming its most prominent, most assertive voice, we are beginning to influence the direction and conduct of this body. Normalizing the Council's relationship with Israel is a top priority for the United States at every Council session and also our greatest challenge. The forces that play out at the Council do not originate in Geneva, and are part of a wider dynamic in which the Palestinians and others seek to use UN forums to put pressure on and isolate Israel. This is simply unacceptable and the Administration has been clear on this point.

At every turn, we have rejected efforts to single out Israel and have taken steps to bolster its status in Geneva. With U.S. leadership, Israel was accepted into the JUSCANZ (Japan-United States-Canada-Australia-New Zealand) group in Geneva in January 2010, allowing Israel to fully participate in this important consultative group of like-minded states. We are trying to bring an end to the follow-up mechanisms of the deeply flawed Goldstone Report and the May 31, 2010 *Mavi Marmara* flotilla incident.

There has been some quantitative improvement in reducing the disproportionate focus on Israel, though these gains may be tenuous and more work needs to be done. According to our estimates:

- Before we joined the Council: 34/62 country-specific resolutions were anti-Israel (56 percent); many of these resolutions were adopted by consensus.

- Since we joined the Council: 15/50 country-specific resolutions have been anti-Israel (30 percent), with only one Israel resolution at the June session and none at the September session of this year. This number is better but still too high. The United States has consistently voted against these resolutions.
- Before we joined the Council: 5/9 country-specific special sessions were anti-Israel (56 percent);
- Since we joined the Council: 1/7 country-specific sessions were anti-Israel (14 percent), with only the special session in October 2009, when we had just joined the Council, focused on Israel. There has been no Israel-focused special session at the Council in more than two years.

In his April 2006 article, Chairman Lantos said that the decision not to run for a seat on the Council was a "disgrace, particularly because this new organization is an integral part of our country's legacy. Under the visionary leadership of Eleanor Roosevelt, the United States spearheaded the effort to promote observance of human rights." With the decision not to join the Council, Lantos said, "[W]e have broadcast to the world that the United States has turned its back on more than half a century of consistent and conscientious efforts to use the United Nations to promote and to protect human rights."

The United States has fought to make the Human Rights Council a body that is consistent with these values. We have announced that the United States is running for re-election in 2012 to continue to reform the body from the inside and to make certain that we remain a global leader on human rights in the 21<sup>st</sup> century. Though we know there are significant challenges that remain, we must continue to work to staunch the bleeding, forge ahead, and demonstrate international leadership on the values that Mr. Lantos held so dear.