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**UNITED NATIONS ASSOCIATION
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Time for the U.S. to Change Course on UN Human Rights

One year ago, then-U.S. Ambassador to the UN Nikki Haley and Secretary of State Michael Pompeo announced that the U.S. would withdraw from and cease its engagement with the UN Human Rights Council. They insisted, however, that the U.S. fully intended to continue to lead on human rights, including at the UN, despite having given up its membership and voting rights at the Council.

As we mark the anniversary of this policy decision, it is clear that withdrawing from the Human Rights Council was only the first step in what has become a substantial U.S. retreat from the UN's human rights activities. The consequences have been disastrous, both for the U.S. and for the UN. The image of the U.S. as a leading defender of human rights worldwide has been deeply undermined; its voice has been absent on issues of vital national interest; and UN bodies that once reinforced U.S. foreign policy priorities, including protecting human rights, have been weakened or made more susceptible to influence by States with malign intentions. A serious course correction in U.S. policy is urgently required if the U.S. hopes to effectively advance human rights and fundamental freedoms in other countries, now or in the future.

At the Human Rights Council, where the U.S. once was once a leader, it is now increasingly sidelined, even on human rights situations of critical importance to U.S. national interests. Last fall, the Council adopted its first-ever resolution on human rights in Venezuela, a situation that Ambassador Haley had often invoked as requiring its urgent attention. Ambassador Haley had also cited the Council's longstanding bias against Israel as a key justification for U.S. withdrawal from the Council. In March, member States moved one of several annual Council resolutions on Israel away from the much-criticized agenda item 7, the only country-specific item on the Council's agenda, to an agenda item that is global in scope, revealing shifting Council dynamics on a key U.S. concern. Yet the U.S. was left silent and ineffective on this and other matters, refusing to attend and speak at official meetings of the Council, even as an observer, and foregoing the opportunity to shape the body's decisions on these and other issues. Other States have rushed to fill the vacuum left by the U.S. at the Council. First among these is China, which has already pushed through resolutions endorsing its vision of a human rights paradigm in which States refrain from criticizing one another and is now endeavoring to dissuade Council members from pursuing a resolution criticizing its persecution of Muslim Uighurs in Xinjiang.

The U.S. has taken other steps to undermine human rights monitoring mechanisms created by the Council, reportedly refusing to engage with its independent expert watchdogs when they have sought to investigate human rights conditions in the U.S. UN records reflect that the U.S. has not

responded in writing to the last 28 official letters directed to it by these “Special Procedures,” and that the last U.S. reply to such a communication was transmitted in May 2018.¹ The U.S. has also declined to allow a Special Procedure to visit the country since late 2017.

Despite its withdrawal from the Council, the U.S. has still resorted to raising concerns about human rights violations in Geneva on occasion. It has continued to direct human rights recommendations to other countries in sessions of the Universal Periodic Review procedure. U.S. diplomats and government officials have also convened and co-sponsored prominent events in Geneva highlighting human rights crises in China, Venezuela, and Nicaragua. Yet this “a-la-carte” engagement is a poor substitute for the many official procedures that all non-members of the Council are permitted to employ, but of which the U.S. has refused to make use, including joining group statements on key human rights crises, requesting amendments to the draft texts of resolutions or actually co-sponsoring resolutions, such as those adopted by the Council during the past year on the human rights situations in Venezuela, Iran, and North Korea and the right to freedom of religion or belief.

Beyond the Human Rights Council, the U.S. has stepped back from human rights bodies and initiatives that it once championed. The Administration recently declined to even nominate a candidate for election to the treaty body that monitors States’ implementation of the International Convention on the Elimination of all forms of Racial Discrimination, despite the fact that it was the first UN body to publicly press the Chinese government to address allegations of its persecution of the Uighurs (an effort led by the body’s U.S.-nominated member). This decision followed the June 2018 defeat of the U.S.-nominated candidate for membership on the expert body that monitors the International Covenant on Civil and Political Rights, making 2019 the first year an American has not served on that Committee since 1995.

Self-imposed setbacks on human rights issues have not been confined to Geneva. In December 2017, Ambassador Haley successfully pressed the UN Security Council to meet for a fourth consecutive year and hear from the UN High Commissioner for Human Rights on the human rights situation in North Korea. However, in 2018, the U.S. failed to muster the support of a sufficient number of Security Council members to hold another meeting on human rights in North Korea. Thus far in 2019, U.S. diplomats have declined even to pursue a meeting on the subject, handing a major victory to China, Russia, and other States that have opposed past U.S. efforts to raise human rights in North Korea on the grounds that the commission of egregious and pervasive human rights violations by a government against its own people does not fall within the Council’s mandate to consider threats to international peace and security.

While U.S. disengagement from the UN’s human rights work may be counterproductive, the financial decisions it has taken with respect to the UN’s human rights mechanisms are truly destructive. In 2018, the Administration withheld \$7.7 million from its annual UN dues payment

¹ Search run on <https://spcommreports.ohchr.org/> on June 4 2019, reflecting replies not received to JOL [USA 5/2018](#) (1 May 2018); JOL [USA 8/2018](#) (16 May 2018); JOL [USA 9/2018](#) (18 May 2018); JAL [USA 7/2018](#) (22 May 2018); JAL [USA 6/2018](#) (25 May 2018); JAL [USA 11/2018](#) (29 May 2018); JAL [USA 10/2018](#) (30 May 2018); JUA [USA 12/2018](#) (19 June 2018); JAL [USA 13/2018](#) (17 July 2018); JUA [USA 15/2018](#) (31 July 2018); JUA [USA 16/2018](#) (7 Aug 2018); JOL [USA 17/2018](#) (20 Aug 2018); JAL [USA 14/2018](#) (14 Sept 2018); JAL [USA 18/2018](#) (12 Oct 2018); AL [USA 22/2018](#) (5 Nov 2018); JUA [USA 21/2018](#) (9 Nov 2018); JAL [USA 23/2018](#) (20 Nov 2018); AL [USA 24/2018](#) (19 Dec 2018); AL [USA 25/2018](#) (21 Dec 2018); JUA [USA 1/2019](#) (11 Jan 2019); OL [USA 2/2019](#) (14 Feb 2019); OL [USA 4/2019](#) (7 Mar 2018); JOL [USA 5/2019](#) (11 Mar 2019); AL [USA 8/2019](#) (15 Mar 2019); JAL [USA 6/2019](#) (20 Mar 2019); JOL [USA 10/2019](#) (22 Mar 2019); JAL [USA 3/2019](#) (28 Mar 2019); JAL [USA 7/2019](#) (2 Apr 2019).

because it judged this amount to reflect its share of the budget of the UN Human Rights Council. In an unprecedented further decision, the Administration then also withheld an additional \$18.9 million from its UN dues payment reflecting the US share of the budget of the UN's Human Rights Office. This Office is not directed by the Human Rights Council, but by the UN High Commissioner for Human Rights, who is an appointee of the UN Secretary-General. One component of the Office's work is supporting the expert bodies that monitor the implementation of UN human rights treaties, forums that ensure violators of human rights are called to account. These bodies are created by treaties on civil and political rights, torture and racial discrimination which have been ratified by the U.S. with Senate support. In the context of a UN budget crisis that is already having a disproportionately harmful impact on the treaty bodies, this attack by the U.S. on the Human Rights Office's funding will put even greater pressure on human rights mechanisms that have no institutional relationship with the Human Rights Council.

In sum, while Administration officials may continue to claim that the U.S. sees human rights and their promotion at the UN as a core interest, a stocktaking on the anniversary of the U.S. departure from the UN Human Rights Council suggests the Administration's policy of "principled retreat" has not achieved its stated goals. Rather, the Administration's policies have served to undercut U.S. priorities, to abdicate its moral leadership on fundamental freedoms, to weaken human rights institutions it spent decades building, and to cede ground to countries that seek to corrupt and disrupt multilateral human rights institutions, to the detriment of U.S. interests.

This has not gone unnoticed on Capitol Hill: Fiscal Year 2020 spending legislation recently passed by the House Appropriations Committee, for example, carries language requiring the State Department to spell out "how the national interest is better served by our withdrawal from the Council."

As some in Congress now increasingly recognize, the Administration should reconsider its counterproductive and destructive policies towards the UN's human rights mechanisms. The better approach would involve a comprehensive and cross-cutting return to the longstanding U.S. policy of financial support for and robust engagement with human rights mechanisms at the UN; an approach that would benefit the U.S., our allies, and human rights defenders alike.