

109TH CONGRESS
2D SESSION

S. RES. 387

Recognizing the need to replace the United Nations Human Rights
Commission with a new Human Rights Council.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2006

Mr. COLEMAN (for himself, Mr. SMITH, Mr. VOINOVICH, Mr. COBURN, and
Mr. KYL) submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Recognizing the need to replace the United Nations Human
Rights Commission with a new Human Rights Council.

Whereas the United Nations Human Rights Commission
(hereinafter “UNHRC”) has lost its credibility as an in-
strument for the promotion or protection of human
rights, instead allowing repressive regimes to shield them-
selves from criticism for their human rights violations;

Whereas Secretary-General Kofi Annan has also acknowl-
edged that, “the Commission’s declining credibility has
cast a shadow on the reputation of the United Nations
system”;

Whereas the primary deficiency of the Human Rights Com-
mission is directly related to its membership, where 6 of
the 53 current members, namely China, Cuba, Eritrea,

Saudi Arabia, Sudan, and Zimbabwe, are listed as the worst human-rights abusers by Freedom House, and many other members have serious deficiencies concerning commitments to democracy and human rights according to the Department of State Country Reports on Human Rights Practices;

Whereas the lack of membership criteria of the UNHRC, particularly when combined with the relatively large membership of 53 countries, hinders efforts to filter out countries with poor human rights records from membership;

Whereas the UNHRC spends a disproportionate amount of time vilifying Israel, its primary target for criticism, but fails to direct such sustained criticism at states engaged in the systematic abuse of human rights, with 30 percent of all country-specific resolutions critical of human rights records over the history of the UNHRC have been directed at Israel alone, while there has never been a single such resolution on China, Syria, or Zimbabwe;

Whereas the UNHRC has consistently failed to take decisive action against member states implicated in the massive violation of human rights, which is evidenced by the fact that the UNHRC has never held a special emergency session on Sudan despite millions of deaths over 2 decades in Sudan, but the UNHRC has held a special sitting to criticize Israel on the death of Sheikh Ahmed Yassin, the leader of Hamas;

Whereas the UNHRC only meets for 6 weeks each year, providing the UNHRC with insufficient time to review and take action against the most flagrant human rights violators;

Whereas Israel has been consistently discriminated against by being denied full participatory rights in regional group meetings associated with the operation of the UNHRC, while non-United Nations members such as the Holy See (WEOG) and the Palestinian observer participate in these meetings;

Whereas the overwhelming failures of the UNHRC led to an international consensus that it must be abolished and replaced with a new Human Rights Council, and the United Nations Summit Outcome Document, signed by all United Nations member states in September 2005, stated that “Pursuant to our commitment to further strengthen the United Nations human rights machinery, we resolve to create a Human Rights Council. The Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. The Council should address situations of violations of human rights, including gross and systematic violations and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.”; and

Whereas efforts by the United States and other committed democracies to carry out the mandate of the Summit Document to create a new credible Human Rights Council have been strongly opposed by human rights abusers at the United Nations: Now, therefore, be it

1 *Resolved*, That—

2 (1) the United States remains strongly com-
3 mitted to the creation of a new Human Rights

1 Council to replace the discredited United Nations
2 Human Rights Commission (hereinafter
3 “UNHRC”), and the proposal for such a Council
4 should work to assure the integrity of its member-
5 ship as well as provide a strong mandate for action;

6 (2) the Senate urges the President to use the
7 present opportunity that has been generated by the
8 international recognition of the need to replace the
9 current UNHRC, and to refrain from supporting
10 any proposal for a Human Rights Council that
11 would result either in only cosmetic changes or
12 changes that would even further degrade the mem-
13 bership and mandate of the current UNHRC;

14 (3) the Senate urges the President and the gov-
15 ernments of other member countries of the United
16 Nations to continue with negotiations for the cre-
17 ation of a Human Rights Council that is a credible
18 human rights institution; and

19 (4) it is the sense of the Senate that an accept-
20 able proposal for a credible Human Rights Council
21 would—

22 (A) establish criteria for membership that
23 would serve to exclude the worst human rights
24 abusers, and such criteria would include, but
25 should not be limited to, the automatic exclu-

1 sion of member countries that are subject to
2 Security Council sanctions;

3 (B) include a provision allowing full par-
4 ticipation by Israel in all operations associated
5 with the Council;

6 (C) set a size limit that is consistent with
7 the goal of ensuring that only countries that re-
8 spect human rights are members of the primary
9 human rights body of the United Nations;

10 (D) establish a human rights review re-
11 quirement that is tied to a mandatory outcome
12 and takes place prior to elections for member-
13 ship;

14 (E) exclude any provision that prevents the
15 consecutive election of member countries to the
16 Council; and

17 (F) utilize a formula for the distribution of
18 membership among United Nations member
19 countries that gives priority to countries that
20 respect human rights, while also giving consid-
21 eration to geographical distribution, the rep-
22 resentation of different forms of civilization,
23 and the principal legal systems.

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