

113TH CONGRESS
2D SESSION

H. R. 5649

To promote transparency, accountability, and reform within the United Nations Human Rights Council, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Ms. ROS-LEHTINEN (for herself, Mr. PERRY, Mr. YOHO, and Mr. DESANTIS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote transparency, accountability, and reform within the United Nations Human Rights Council, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United Nations
5 Human Rights Council Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since its establishment in 2006, the United
9 Nations Human Rights Council has failed to mean-

1 ingfully promote the protection of internationally
2 recognized human rights.

3 (2) The United Nations Human Rights Council
4 suffers from fundamental and severe structural
5 flaws since it draws its members from the United
6 Nations General Assembly without any substantive
7 membership criteria, with the perverse result that a
8 number of the world's worst human rights abusers
9 are members of the council.

10 (3) For example, more than half of the mem-
11 bers of the United Nations Human Rights Council
12 are rated "Not Free" or only "Partly Free" by
13 Freedom House in its 2014 Freedom in the World
14 report. Only a minority of members were rated
15 "Free".

16 (4) Current membership on the United Nations
17 Human Rights Council includes some of the world's
18 worst violators, including China, Congo, Cuba,
19 Kazakhstan, Pakistan, Russia, Saudi Arabia, Ven-
20 ezuela, Vietnam, and others.

21 (5) The United Nations Human Rights Coun-
22 cil's agenda contains a permanent item for criticism
23 of the democratic, Jewish State of Israel, but no
24 permanent items criticizing any other state or non-
25 state actor.

1 (6) Since 2006, the United Nations Human
2 Rights Council has a largely disproportionate num-
3 ber of resolutions focused on criticizing Israel.

4 (7) Since 2006, the United Nations Human
5 Rights Council has held 22 special sessions to ad-
6 dress dire and critical humanitarian crises through-
7 out the world, with 7 focused on criticizing Israel,
8 more than any other two nations combined, despite
9 the fact that the United Nations currently has de-
10 clared four of the world's humanitarian crises
11 (Syria, Iraq, South Sudan and the Central African
12 Republic) a "Level 3", its highest designation.

13 (8) On July 23, 2014, the United Nations
14 Human Rights Council adopted a resolution to in-
15 vestigate purported violations of international hu-
16 manitarian and human rights laws in Gaza and the
17 West Bank. The resolution contained over 1,700
18 words criticizing Israel for supposed human rights
19 violations in Gaza, yet does not mention Hamas, the
20 designated foreign terrorist organization responsible
21 for using Palestinian children, women, and men as
22 human shields and launching thousands of rockets
23 indiscriminately into Israeli civilian populations,
24 even once.

1 (9) The July 23, 2014, resolution passed with
2 29 votes in favor, 17 abstentions and the United
3 States as the lone dissenting vote.

4 (10) On August 11, 2014, the United Nations
5 named Professor William Schabas to lead a panel of
6 inquiry in accordance to the July 23, 2014, resolu-
7 tion.

8 (11) Schabas has made public statements in the
9 past that should have precluded him from heading
10 the panel as an unbiased participant, and should
11 recuse himself. Among his incendiary and biased re-
12 marks, Schabas has stated “Actually, my favourite
13 would be Netanyahu within the dock of the Inter-
14 national Criminal Court,” in 2012, indicating a clear
15 conflict of interests and lack of impartiality.

16 (12) In 2006, the George W. Bush Administra-
17 tion voted against the resolution that created the
18 United Nations Human Rights Council in the
19 United Nations General Assembly over concerns
20 about the Council’s reforms and its ability to advo-
21 cate for human rights and decided to not seek a seat
22 on the Council.

23 (13) In June 2008, citing its skepticism regard-
24 ing the function of the United Nations Human
25 Rights Council in terms of fulfilling its mandate and

1 its imbalanced approach and Israel bashing agenda,
2 the Bush Administration announced it would limit
3 its engagement with the Council.

4 (14) In 2008, the Bush Administration an-
5 nounced it would withhold United States funding to
6 the United Nations regular budget equivalent to the
7 United States share of the United Nations Human
8 Rights Council budget.

9 (15) In March 2009, reversing the previous Ad-
10 ministration's policy, the Obama Administration an-
11 nounced that the United States would run for a seat
12 on the United Nations Human Rights Council, and
13 won a seat in May 2009.

14 (16) United States membership in the United
15 Nations Human Rights Council has not led to re-
16 form of its fundamental flaws nor diminished the
17 Council's virulently anti-Israel behavior. The Council
18 has passed over two dozen resolutions criticizing
19 Israel since the United States joined in 2009, and
20 the world's worst violators continue to get a pass.

21 **SEC. 3. LIMITATIONS RELATING TO UNITED NATIONS**
22 **HUMAN RIGHTS COUNCIL MEMBERSHIP AND**
23 **FUNDING.**

24 (a) IN GENERAL.—For each and every fiscal year
25 that begins after the date of the enactment of this Act,

1 until the Secretary of State submits to Congress a certifi-
2 cation for such fiscal year that the requirements described
3 in subsection (b) have been satisfied—

4 (1) the Secretary of State shall withhold from
5 a United States contribution for such fiscal year to
6 the regular budget of the United Nations an amount
7 that is equal to the percentage of such contribution
8 that the Secretary determines would be allocated by
9 the United Nations to support the United Nations
10 Human Rights Council;

11 (2) the Secretary of State shall not make a vol-
12 untary contribution to the United Nations Human
13 Rights Council; and

14 (3) the United States shall not run for a seat
15 on the United Nations Human Rights Council.

16 (b) CERTIFICATION.—The certification referred to in
17 subsection (a) is a certification of the Secretary of State
18 to Congress that—

19 (1) the United Nations Human Rights Coun-
20 cil’s mandate from the United Nations General As-
21 sembly explicitly and effectively prohibits candidacy
22 for membership on the Council of a United Nations
23 Member State that—

24 (A) is subject to sanctions by the United
25 Nations Security Council; and

1 (B) is under a United Nations Security
2 Council-mandated investigation for human
3 rights abuses;

4 (2) the United Nations Human Rights Council
5 does not include a United Nations Member State
6 that—

7 (A) is subject to sanctions by the United
8 Nations Security Council;

9 (B) is under a United Nations Security
10 Council-mandated investigation for human
11 rights abuses;

12 (C) the Secretary of State has determined,
13 for purposes of section 6(j) of the Export Ad-
14 ministration Act of 1979 (as continued in effect
15 pursuant to the International Emergency Eco-
16 nomic Powers Act), section 40 of the Arms Ex-
17 port Control Act, section 620A of the Foreign
18 Assistance Act of 1961, or other provision of
19 law, is a country the government of which has
20 repeatedly provided support for acts of inter-
21 national terrorism; or

22 (D) the President has designated as a
23 Country of Particular Concern for Religious
24 Freedom under section 402(b) of the Inter-
25 national Religious Freedom Act of 1998; and

1 (3) the United Nations Human Rights Coun-
2 cil’s agenda or program of work does not include a
3 permanent item with regard to the State of Israel.

4 (c) SPECIAL PROCEDURES.—For each and every fis-
5 cal year that begins after the date of the enactment of
6 this Act, the Secretary of State shall withhold from a
7 United States contribution for such fiscal year to the reg-
8 ular budget of the United Nations an amount that is equal
9 to the percentage of such contribution that the Secretary
10 determines would be allocated by the United Nations to
11 support the United Nations “Special Rapporteur on the
12 situation of human rights in Palestinian territories occu-
13 pied since 1967”, and any other United Nations Human
14 Rights Council “Special Procedures” used to display bias
15 against the United States or the State of Israel or to pro-
16 vide support for any United Nations Member State that—

17 (1) is subject to sanctions by the United Na-
18 tions Security Council;

19 (2) is under a United Nations Security Council-
20 mandated investigation for human rights abuses;

21 (3) the Secretary of State has determined, for
22 purposes of section 6(j) of the Export Administra-
23 tion Act of 1979 (as continued in effect pursuant to
24 the International Emergency Economic Powers Act),
25 section 40 of the Arms Export Control Act, section

1 620A of the Foreign Assistance Act of 1961, or
2 other provision of law, is a country the government
3 of which has repeatedly provided support for acts of
4 international terrorism; or

5 (4) the President has designated as a Country
6 of Particular Concern for Religious Freedom under
7 section 402(b) of the International Religious Free-
8 dom Act of 1998.

9 (d) REVERSION OF FUNDS.—Funds appropriated for
10 use as a United States contribution to the United Nations
11 but withheld from obligation and expenditure pursuant to
12 this section shall immediately revert to the United States
13 Treasury and shall not be considered arrears to be repaid
14 to any United Nations entity.

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