The UN Human Rights Council is broken

July 26, 2023

By Brett Schaefer

GIS Reports

<https://www.gisreportsonline.com/r/human-rights-council/>

The United Nations Human Rights Council (HRC) was established in 2006 by the UN General Assembly. In 2005, Secretary-General Kofi Annan had [called](https://news.un.org/en/story/2005/04/134122) for an end to the discredited Commission on Human Rights, which, in his words, had “cast a shadow on the reputation of the United Nations system as a whole.”

Unfortunately, the record shows that the HRC has not performed better than the discredited Commission. It too has failed to confront the world’s most serious human rights situations in an unbiased manner. Although several governments have been willing to criticize the HRC for its shortcomings, the prospects for UN member states to take action to address them are slight.

The General Assembly, when it established the HRC, [charged](https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf) the organization with specific responsibilities. In addition to serving as a forum for human rights discussions and education, engaging with governments to promote and protect human rights and making recommendations to the General Assembly on human rights-related issues in international law, the HRC is assigned three primary mandates:

* Promote “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”
* “Address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon”
* Undertake a “universal periodic review (UPR), based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States …”

At first glance, the HRC seems to be fulfilling its mandate. It meets three times a year, supplemented by occasional special sessions on urgent human rights situations and multiple meetings each year for the UPR. It is even sometimes able to pass resolutions condemning countries for violations, appoint human rights experts to investigate countries like North Korea for human rights violations and adopt resolutions to assist willing governments, like Georgia.

But when it comes to tough cases and issues concerning influential governments, the HRC too often demonstrates bias in its work – holding some countries to higher standards than others, and routinely ignoring serious human rights situations that are as bad or worse as those it denounces.

Facts & figures

The structure of the UN Human Rights Council

There are 47 seats on the UN Human Rights Council. Members are elected by a majority vote in the General Assembly in a secret ballot. Members serve for three years and are not eligible for immediate reelection after two consecutive terms and must remain off the HRC for at least a year. Elections are staggered so that a third of the HRC membership is elected each year. Seats are geographically allocated: 13 African seats, 13 Asia-Pacific seats, 6 Eastern European seats; 8 Latin American and Caribbean seats; and 7 seats for the group of Western European and other nations. Current members are:

* African states: Algeria, Benin, Cameroon, Eritrea, Gabon, Gambia, Ivory Coast, Malawi, Morocco, Senegal, Somalia, South Africa and Sudan.
* Asia-Pacific states: Bangladesh, China, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Nepal, Pakistan, Qatar, United Arab Emirates, Uzbekistan and Vietnam.
* Eastern European States: the Czech Republic, Georgia, Lithuania, Montenegro, Romania and Ukraine.
* Latin American and Caribbean states: Argentina, Bolivia, Chile, Costa Rica, Cuba, Honduras, Mexico and Paraguay.
* Western Europe and other states: Belgium, Finland, France, Germany, Luxembourg, United Kingdom and the United States.

Disproportionate focus on Israel

The most obvious example of bias is the HRC’s disproportionate focus on Israel. Alone among the world’s countries, Israel is subject to a separate item of the [HRC agenda](https://undocs.org/en/A/HRC/53/1): Agenda Item 7, titled “Human rights situation in Palestine and other occupied Arab territories.” Every other human rights situation is examined under Agenda Item 4, titled “Human rights situations that require the Council’s attention.”

In addition, the HRC currently has 14 “[country mandates](https://spinternet.ohchr.org/ViewAllCountryMandates.aspx)” that focus on human rights situations in individual countries, such as North Korea and Iran. All these country mandates are subject to periodic renewal except for the “Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,” which remains in place “until the end of the Israeli occupation.”

Since 2006, the HRC has adopted between four and eight resolutions condemning Israel annually. According to a [database](https://unwatch.org/database/resolution-database/) compiled by UN Watch, Israel was the focus of 103 of 280 condemnatory resolutions (37 percent) adopted by the HRC from 2006 through May 2023. In 2022, Israel was condemned more often than Afghanistan, Myanmar, North Korea and Syria. Only Russia was condemned as many times as Israel by the HRC that year. Although some condemnatory resolutions contain praise, this rarely happens for Israel: 102 of 210 total condemnatory resolutions lacking any praise (49 percent) adopted by the HRC from 2006 to May 2023 focused on Israel.

Despite poor human rights records, China, Cuba, Pakistan, Saudi Arabia, Zimbabwe and many other governments have never been condemned by the HRC. Yet the body has condemned the [U.S.,](https://www.ohchr.org/en/documents/procedural-documents/ahrcres431-promotion-and-protection-human-rights-and-fundamental)whose human rights record is far superior to those nations.

No country should be beyond scrutiny nor subject to undue examination. Both the disproportionate focus on Israel and the failure to condemn serious human rights violations in other countries are blatant violations of the Human Rights Council’s [mandate](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf) to be “guided by the principles of universality, impartiality, objectivity and non-selectivity.”

Turning a blind eye to human rights violations

Despite being specifically instructed to address violations of human rights and, specifically, gross and systematic violations, the HRC too often fails to do so. The worst oversight is China. Human [rights](https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/china/report-china/) [organizations](https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet) have documented heinous human rights abuses perpetrated by the Chinese government on its citizens, including pervasive censorship, denial of the rights to freedom of association and religion, violent crackdowns on democracy activists in Hong Kong, and arbitrary arrest, detention and execution.

The U.S. and other governments have concluded that Beijing is committing [genocide and crimes against humanity](https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/) against ethnic and religious minorities in Xinjiang. A [2022 report](https://news.un.org/en/story/2022/08/1125932) by the Office of the UN High Commissioner for Human Rights (OHCHR) concluded that “serious human rights violations” against the Uighur and “other predominantly Muslim communities” have been committed by China. Yet the HRC has been unwilling or unable to condemn China in its 17-year history. In fact, last October, the HRC [voted down](https://www.reuters.com/world/china/un-body-rejects-historic-debate-chinas-human-rights-record-2022-10-06/) an effort to even hold a “debate” on the OHCHR report.