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ASSESSING THE UNITED NATIONS HUMAN RIGHTS COUNCIL

HEARING

BEFORE THE

SUBCOMMITTEE ON MULTILATERAL INTERNATIONAL DEVELOPMENT, MULTILATERAL INSTITUTIONS, AND INTERNATIONAL ECONOMIC, ENERGY, AND ENVIRONMENTAL POLICY

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ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

ASSESSING THE UNITED NATIONS HUMAN RIGHTS COUNCIL

THURSDAY, MAY 25, 2017

U.S. SENATE,
SUBCOMMITTEE ON MULTILATERAL INTERNATIONAL DEVELOPMENT, MULTILATERAL INSTITUTIONS, AND INTERNATIONAL ECONOMIC, ENERGY, AND ENVIRONMENTAL POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:07 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Todd Young, chairman of the subcommittee, presiding.

Present: Senators Young [presiding] and Merkley.

OPENING STATEMENT OF HON. TODD YOUNG U.S. SENATOR FROM INDIANA

Senator YOUNG. Good afternoon. This hearing of the Senate Foreign Relations Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy will come to order.

Today's hearing represents our subcommittee's second hearing of the year. I, of course, want to thank the ranking member, Senator Merkley, for joining me again to convene this hearing.

The purpose of today's hearing is to assess the United Nations Human Rights Council. We are joined by an impressive panel of witnesses this afternoon. I would like to welcome them.

The Honorable Kristin Silverberg, who previously served as the Assistant Secretary of State for International Organization Affairs. Welcome to you.

The Honorable Tom Malinowski, who previously served as Assistant Secretary of State for Democracy, Human Rights, and Labor. Good day, sir.

Mr. Hillel Neuer, who is executive director of U.N. Watch. I will note that Mr. Neuer traveled from Europe to testify today, and I am very grateful for his willingness to be here. Thank you.

And last, but certainly not least, we are joined by Mr. Ted Piccone, a senior fellow at the Brookings Institution. Thank you.

So I welcome each of you. Before beginning our assessment of the United Nations Human Rights Council, perhaps it is helpful to step back for a moment and assess the role that the promotion of human rights should play in our foreign policy.

The Declaration of Independence declared that, "We hold these truths to be self-evident, that all men are created equal, that they

are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

While we know that our Nation has spent much of our history trying to narrow the gap between these self-evident truths and our daily reality, it is noteworthy that our Founders used the phrase "all men." Today, we would expect they would say "all men and women," but the point is that our Founders did not suggest these inalienable rights were limited to just Americans.

If we accept the fact that these rights are not reserved for Americans alone but are instead universal rights, then we have an obligation to ensure these universal human rights inform not only our domestic policy, but our foreign policy as well.

Yet promoting and protecting human rights internationally is not just a matter of principle or just a matter of morality. Promoting and protecting universal human rights overseas also helps secure American national security interests.

As Ambassador Haley has emphasized in her U.N. Security Council remarks, most recently on April 18, the protection of human rights is often deeply intertwined with peace and security. As she observes, human rights violations can often serve as the trigger for a conflict.

As an example, Ambassador Haley cited the fact that the terrible Syrian conflict that has generated so many threats to American national security, not to mention heart-wrenching human suffering, started when the Assad regime failed to respect the universal human rights of a group of young boys opposed to the regime.

So, in short, both our principles and our interests, our values and our security, are advanced when the promotion of universal human rights figures prominently, not peripherally, in U.S. foreign policy. It is both wrong and shortsighted to believe that we can better protect our national security interests by ignoring or sidelining human rights.

Perhaps that is why the United Nations Charter that our country played a pivotal role in establishing states clearly in Article 1 that one of the four purposes of the U.N. is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. American national security interests are best-served when the United Nations effectively fulfills this core purpose.

That is why we want the U.N. Human Rights Council to effectively fulfill its responsibility of promoting universal respect for the protection of all human rights and fundamental freedoms for all. So as Ambassador Haley prepares to go to Geneva in June for the 35th regular session of the U.N. Human Rights Council, it is timely and appropriate to assess how the council is doing in the fulfillment of its mission and to ask what U.S. policy should be toward the council.

While I look forward to listening to the expert testimony of our esteemed witnesses, I would like to make two quick and initial observations.

First, as Deputy Assistant Secretary of State for International Organization Affairs Erin Barclay said in Geneva in March, regrettably, too many of the actions of this council do not support those universal principles. Indeed, they contradict them. Perhaps this is

not surprising. Some of the world's worst human rights abusers are on the council. China and Cuba are members, for example. Yet, according to Freedom House, they have the worst or second to worst rankings possible for political rights and civil liberties.

Second, the council has exhibited a systematic, reflexive, and, frankly, shameful bias against Israel, our closest and most reliable ally in the Middle East. Israel is the only country in the world that is subjected to a permanent agenda item. When countries with the worst possible human rights records sit on the Human Rights Council, they seek to deflect attention from their egregious human rights abuses and attempt to pass judgment on Israel, a country that boasts a vibrant, liberal democracy. The credibility of the council is further undermined, and the United States must not be silent.

America, I believe, is at its best when it models and promotes respect for universal human rights. We should expect the same from the U.N. Human Rights Council and its members.

So with those thoughts in mind, I would now like to call on our ranking member, Senator Merkley, for his opening remarks.

Senator Merkley.

STATEMENT OF HON. JEFF MERKLEY,
U.S. SENATOR FROM OREGON

Senator MERKLEY. Thank you, Mr. Chairman, for holding this hearing.

And thank you to our distinguished guests for bringing your expertise here to the halls of the U.S. Senate.

Promoting human rights is a longstanding bipartisan pillar of American foreign policy, essential not only to our foreign policy, but to who we are as Americans. President Kennedy, just months prior to his assassination, affirmed that our Nation "was founded on the principle that all men are created equal and that the rights of every man are diminished when the rights of one man are threatened."

President Reagan in a 1986 speech before the United Nations General Assembly said, "Respect for human rights is not social work. It is not merely an act of compassion. It is the first obligation of government and the source of its legitimacy. It also is the foundation stone in any structure of world peace."

The United States has used the United Nations as a platform to advance basic human rights since its inception. As a universal body, the United Nations holds great promise, but advancing human rights in an intergovernmental body with autocrats determined to hide and deflect their abuses has been difficult.

The Soviet Union pushed hard against Eleanor Roosevelt at the original U.N. Commission on Human Rights, but she persevered. Her leadership led to the adoption of the Universal Declaration of Human Rights, which in turn inspired Lech Walesa, Nelson Mandela, and other champions of freedom and human dignity.

The United Nations Human Rights Council, like its predecessor, remains a troubling forum for the United States. Its membership, as my chairman pointed out, includes countries with appalling human rights records determined to shield some of the world's worst human rights abusers from scrutiny. Its memberships' exces-

sive and disproportionate focus on Israel is shameful, inexcusable, and cheapens the body.

The Human Rights Council seems to work better, however, when America leads. Appalling human rights abuses in North Korea have been documented and added to the agenda of the U.N. Security Council. The rights and dignity of LGBT individuals have been affirmed. Human rights abuses in Iran have been uncovered. Attempts to unfairly malign Israel have been countered.

Speaking to the Universal Declaration of Human Rights, President Reagan said, "That document, a triumph for the higher aspirations of mankind, is but words on paper unless we are willing to act to see that it is taken seriously." He continued, "We owe it to ourselves and to those who sacrificed so much for our liberty to keep America in the forefront of this battle."

I look forward to hearing our witnesses' views on where the United Nations Human Rights Council is working, where it is falling short, and how it can do better. And I look forward to hearing your views on how the United States can continue to lead on human rights, both at the U.N. Human Rights Council and in other ways.

Thank you, Mr. Chairman.

Senator YOUNG. I want to welcome our witnesses again. Your full written statements will appear in the record. I ask you to summarize those statements in roughly 5 minutes, about 5 minutes each, if you can.

For opening statements, let's go in the order that I introduced you.

Ms. Silverberg.

STATEMENT OF HON. KRISTEN SILVERBERG, FORMER ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION AFFAIRS, WASHINGTON, DC

Ms. SILVERBERG. Mr. Chairman, Ranking Member Merkley, thank you for the opportunity to appear before you today to assess the record of the Human Rights Council. It is an honor to appear with the distinguished experts joining me on this panel.

I served as Assistant Secretary of State from 2005 to 2008, including during the General Assembly debate over the resolution creating the Human Rights Council. When the resolution creating the council failed to meet our core objectives, we voted against the resolution and decided not to seek membership.

We did not approach that decision lightly. President Bush had made the promotion of democracy and human rights a core objective of U.S. policy. Consistent with that policy, we worked to support the inclusive government in Iraq, to defend the rights of women in Afghanistan. We worked to focus international attention and sanctions when appropriate on abusive regimes in Burma, Cuba, and Zimbabwe, and to support civil society in countries like Venezuela, Egypt, and Bolivia.

President Bush was the first head of state to call the tragedy in Darfur genocide. He put new resources behind efforts to support democratic reforms, and he personally met with dissidents from 35 countries.

Engagement at the U.N. was a critical part of this strategy. We supported the Office of the High Commissioner on Human Rights, had an active agenda in the Third Committee of the General Assembly. We supported efforts to include human rights-related issues on the agenda of the Security Council, drawing the link between peace and security and human rights, just as Ambassador Haley had, and added Burma to the agenda for the first time. And we worked through the Security Council to support democracy in Lebanon and to expand U.N. peacekeeping operations.

There was no question in my mind that, as part of this effort, we would benefit from a new, credible, multilateral institution capable of supporting countries attempting to reform, and of responding decisively to violations of human rights. It was also clear to me that the U.N. Human Rights Council, as constituted in 2006, would not be that institution.

There are a number of issues, but most particularly, U.N. negotiators and the General Assembly rejected proposals to ensure credible membership. There are a number of ways to help ensure that countries joining the council had a good-faith commitment to advancing and defending human rights—a super-majority requirement, a ban on regional consensus candidates, even a provision to bar some of the worst human rights offenders from membership. The negotiators rejected all of them.

The potential for the Human Rights Council was further undermined when, at the end of the council's first year, a few members decided to adopt, in the dark of night, a permanent agenda item on Israel, and then to deny Canada, a member of the council, its procedural right to vote against the decision. The adoption of Item 7 has been a stain on the council ever since.

And I will point out that Item 7 was originally adopted in 2007 when the Bush administration was not participating in the council but was reaffirmed in 2011 when the Obama administration was a member.

The council has done good work, to be clear, on issues like North Korea and Burma. However, the Human Rights Council runs on horse-trading. When the U.S. is running an initiative in the council, it typically ends up compromising on something else. And that something else is too often our support for Israel.

So where does that leave the Trump administration in light of the 2016 election of the U.S. to the Human Rights Council? Even the most skilled effort at renegotiating terms for the Human Rights Council will be challenging, but I believe the Trump administration should try with a date certain to assess whether progress has been made and whether the Human Rights Council can serve as a credible and vigorous voice on human rights. Failing key progress, I believe the administration should leave.

There are a number of reform targets the administration should consider. I will raise just a couple examples.

One is, during the fall General Assembly session, the administration could put forth an amendment to the institution-building package to remove Item 7 from the council's agenda. I expect we could talk more about that.

Second, the U.S. could secure agreements from regions not to run consensus candidates to give the General Assembly choices in electing Human Rights Council members.

And, third, and this relates to the Office of the High Commissioner for Human Rights, I believe that the United States should ask to put senior Americans in key posts, in particular to try to fill the Office of the Chief of the Human Rights Council Branch.

Whatever decision the Trump administration makes on this issue, I hope it will find ways to reaffirm the U.S. commitment to serving as the world's leading defender of freedom and human rights.

I applaud the subcommittee for its focus on this issue, and look forward to your questions.

[The statement of Ms. Silverberg follows:]

PREPARED STATEMENT OF AMBASSADOR (RET.) KRISTEN SILVERBERG

Mr. Chairman, Members of the Subcommittee:

Thank you for the opportunity to appear before you today to discuss the record of the U.N. Human Rights Council (UNHRC), and particularly to address the UNHRC's persistent anti-Israel bias. It's an honor to appear with the distinguished experts joining me on this panel.

I served as Assistant Secretary of State for International Organization Affairs from 2005–2008, including during the General Assembly debate over the resolution creating the UNHRC. When the resolution creating the UNHRC failed to meet our core objections, we voted against the resolution and decided not to seek UNHRC membership.

The Bush administration did not approach that decision lightly. President Bush had made the promotion of democracy and human rights a core objective of U.S. policy. In his words, he made it the:

> policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.[1]

Consistent with that policy, President Bush committed to support inclusive government in Iraq and to defend the rights of women in Afghanistan. He worked to focus international attention, and sanctions when appropriate, on abusive regimes in Burma, Cuba, and Zimbabwe and to support civil society in countries like Venezuela, Egypt, and Bolivia. He was the first head of state to call the tragedy in Darfur a "genocide." He put new resources behind the efforts to support democratic reforms, including through the Millennium Challenge Account and the budget for the National Endowment for Democracy. He personally met with dissidents from 35 countries.

Engagement at the U.N. was a critical part of this strategy. The U.S. was the largest funder of the Office of the High Commissioner on Human Rights. We had an active human rights agenda in the 3rd Committee of the General Assembly. We supported efforts to include human rights-related issues on the agenda of the Security Council, including by adding Burma to the agenda for the first time. And we worked through the Security Council to support democracy in Lebanon and to expand U.N. peacekeeping operations.

There was no question in my mind that, as part of this effort, we would benefit from a new, credible, multilateral institution capable of supporting countries attempting to reform and of responding decisively to violations of human rights. It was also clear to me that the UNHRC would not be that institution. It was set up from the beginning to fail.

In particular, U.N. negotiators and the General Assembly rejected proposals to ensure a credible membership. There were a number of ways to help ensure that countries joining the Council had a good faith commitment to advancing and defending human rights—a supermajority requirement, a ban on regional consensus candidates, even a provision to bar some of the worst human rights offenders from membership. The negotiators rejected all of them.

The potential for the UNHRC was further undermined when, at the end of the Council's first year, a few members decided to adopt—in the dark of night—a per-

[1] President Bush's Second Inaugural Address, Jan. 20, 2005.

manent agenda item on Israel and then to deny Canada, a member of the Council, its procedural right to vote against the decision. The adoption of Item 7 has been a stain on the Council ever since.

It's worth pointing out, that the Human Rights Council has not only failed according to the Bush administration's objectives, but according to the Obama administration's objectives as well. In 2011, during the UNHRC's five-year review process, Secretary Clinton outlined three key reform objectives:

- First, the Council must . . . demonstrate clearly that it possesses the will to address gross abuses [and] hold violators accountable . . .
- Second, the Council must apply a single standard to all countries based on the Universal Declaration of Human Rights. It cannot continue to single out and devote disproportionate attention to any one country.
- And third, the Council needs to abandon tired rhetorical debates and focus instead on making tangible improvements in people's lives.[2]

Despite eight years of concerted engagement by the Obama administration, the UNHRC failed to take action in numerous critical cases, maintained its obsession with Israel, and continued to favor hollow thematic resolutions over action to address gross and systemic abuses.

Supporters of U.S. participation in the Council will cite positive work the Council has done on issues like North Korea and Burma. However, the UNHRC runs on horse trading. When the U.S. is running an initiative in the Council, it typically ends up compromising on something else, and that something else is too often our support for Israel.

So where does that leave the Trump administration in light of the 2016 election of the U.S. to the UNHRC?

Even the most skilled effort at reforming the UNHRC will be challenging, but I believe the Trump administration should try, with a date certain to assess whether the UNHRC can serve as a credible and vigorous voice on human rights. Failing key progress, the administration should leave.

There are a number of reform targets the Trump administration could consider; I will raise just a few, achievable examples:

- First, during the fall General Assembly session, the Trump administration should put forward an amendment to the Institution Building package to remove Item 7 from the Council's agenda. Securing sufficient support for the amendment will not be easy, but we would enjoy strong backing in the lobbying effort from the U.K. and Australia. The Trump administration is persuaded that cooperation between Arab countries and Israel has created new opportunities for breakthroughs in the region. This would be one very modest demonstration of the potential for a new relationship, and the Trump administration should use its considerable influence with Israel's neighbors to test the case.
- Second, the U.S. could secure agreements from regions not to run consensus candidates—to give the General Assembly choices in electing UNHRC members. This wouldn't guarantee an improved membership, but it might help and it should deter candidates with questionable records from running and risking a loss.
- Third, the U.S. should insist on senior American hires in the Office of the High Commissioner for Human Rights (OHCHR). One particular position the U.S. should fill is the Chief of the Human Rights Council Branch, who functions effectively as the Secretariat and Parliamentarian of the Human Rights Council.
- With respect to the OHCHR, the U.S. should also insist on measures to put teeth behind U.N. whistleblower protections. This is, of course, an issue that extends far beyond the OHCHR, though retaliation by that office against whistleblower Anders Kompass was a particularly egregious case. In addition to tighter procedures to protect whistleblowers, the U.N. should adopt tougher sanctions against U.N. staff who violate them.

The UNHRC was meant to be one part of a broader U.S. strategy to advance freedom and human rights around the world, which serves both our interests and our values. The essential point for the U.S. is commitment to that effort, not the particular vehicle we use to do it. Whatever decision the Trump administration makes on the UNHRC, the U.S. should sustain its historic role as a forceful defender of human rights.

I applaud the Subcommittee for its focus on this issue and look forward to your questions.

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[2] Remarks of Secretary Clinton at the Human Rights Council in Geneva, Feb. 28, 2011.

Senator YOUNG. Thank you, Ms. Silverberg.
Mr. Malinowski.

STATEMENT OF TOM MALINOWSKI, FORMER ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, WASHINGTON, DC

Mr. MALINOWSKI. Thank you, Senator Young, Senator Merkley, for holding this hearing and for inviting me to testify.

I will argue today that the U.N. Human Rights Council is a highly imperfect institution that has, nonetheless, improved under American leadership. It is more useful than it might at first appear. And we have become increasingly good at advancing our interests and ideals there. Rather than ceding this battlespace to our adversaries, we should continue to fight to make it better. We should focus relentlessly and pragmatically on winning and not withdrawing.

In saying that, I will acknowledge that much of the criticism of the council over the years has been justified, including all of the items that you and Ms. Silverberg mentioned—the membership of the council, the presence of human rights violators among its members, the outrageous bias against Israel that it has displayed.

I have noticed something else over the years, which has made me less skeptical and increasingly convinced that the council is an important institution. I have noticed that our ideological adversaries take a great interest in it, countries like Cuba and China and Russia and Egypt and Pakistan. They dedicate enormous diplomatic resources to try to influence this body's decisions.

Why is that, especially given the fact that all it can do is issue paper resolutions? It has no power to compel anybody. I think the reason is that, at bottom, the fight for human rights is a contest of ideas.

We hold, and others hold, the idea that you eloquently stated, that human rights are universal, that every country has a duty to uphold them. That idea is profoundly threatening to authoritarian governments around the world because it threatens their legitimacy.

I am sure you have noticed that when the U.S. Congress passes paper resolutions condemning some country for human rights abuses, it does not get a lot of attention here but huge attention in those countries, and you are lobbied very hard by their representatives not to do it. Those resolutions only speak for the United States. When this body speaks, it speaks for the whole world. That is a very, very powerful thing.

This is why every session of the Human Rights Council, courageous human rights activists from all around the world, sometimes at great personal risk, travel there to testify, and it is why the bad guys try so hard to silence it.

I think if it is important to them, it ought to be important to us to stand with the good guys and to try to help them win these battles in Geneva.

I think where we have dedicated the time and the diplomatic resources to do that, we have been pretty successful. Since 2009, I would say we have won virtually every winnable fight that we have

put our minds to winning at the Human Rights Council. It is not good enough yet, but we have shown that we can win.

In 2006, in its first year in existence when the United States was not a member, the Human Rights Council passed exactly zero resolutions concerning human rights in specific countries other than Israel. Since we rejoined in 2009, the situation has changed dramatically. In 2015, it passed 26 such resolutions, 22 in 2016. Some of them have been mentioned—the establishment of the historic Commission of Inquiry on North Korea, the condemnations of Iran, South Sudan, the votes we have won on Syria, which Russia fought really, really hard to defeat and we won those fights, on Ukraine, the same thing. Sri Lanka, I was involved as a diplomat in trying to promote the democratic transition that is underway in Sri Lanka away from civil war and dictatorship, and I can attest that the resolutions passed by the council were absolutely critical in helping along that diplomatic process.

There are many, many other examples we can cite. I think these are real American diplomatic achievements.

Now the membership remains a problem, particularly because of the system of closed slates that some regions run. But where there have been competitive elections recently, the worst human rights violators have, in some cases, done pretty badly. Most dramatically, last year, Russia ran for membership, and everyone assumed that a permanent member of the Security Council—permanent members, by tradition, always get what they want in the U.N. system. Russia lost because of its horrible, horrific conduct in Syria. That was a stunning triumph, I think.

With respect to Israel, the situation, I would say, remains unacceptable, but I think we have made some modest progress through our presence. In the early years of the council, virtually every resolution that it passed was on Israel. That share is now way, way down. There were, I think, about six special sessions on Israel in the years when we were not a member, only one in the years when we have been.

The progress that we still need to make on that issue, I would make I think this point. We need to focus on who is actually to blame, and who is to blame is not this institution, which has no will of its own, but the member countries who are pushing these anti-Israel institutions.

Now, who are they? Egypt, Pakistan, Saudi Arabia, Qatar, the United Arab Emirates, close U.S. partners. They get a lot of assistance from the United States. And yet, we never seem to hold them accountable for their behavior in Geneva. We criticize the council but not the member states that are responsible.

Can we make this situation better by threatening to leave? Well, if we found ourselves in a situation where we could no longer get anything useful done at the Human Rights Council, I would say sure, let's leave. But I do not think threatening to leave gives us any leverage for this simple reason: The countries that are responsible for most of the mischief in Geneva want us to leave. So threatening to leave would be kind of like telling a bunch of criminals that, if you keep robbing banks, the police are going to go on strike. I would rather have the police there, well-resourced, on-duty, fighting, and focusing on winning.

Thank you, Mr. Chairman.
[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF TOM MALINOWSKI

Chairman Young, Senator Merkley, thank you for holding this hearing and for inviting me to testify. I will argue today that the U.N. Human Rights Council is an imperfect institution that has nonetheless improved thanks to U.S. leadership. It is far more useful than it might at first glance appear, and we have become increasingly good at advancing our interests and ideals there. Rather than ceding this important battle space to our adversaries, we should continue to fight to make it better. Our focus should be on winning, not retreating.

In saying that, I will acknowledge that much of the criticism of the Council over the years—or, more precisely, of how certain countries try to twist its agenda—has been justified. I've been skeptical myself at times that much can be accomplished there. Some of the world's worst human rights violators—Libya under Qaddafi, Zimbabwe, Saudi Arabia, Egypt, Cuba, and others—have been members of the Council or its predecessor, the U.N. Human Rights Commission, and even taken leadership roles. The bias against Israel has been real and outrageous, though we have managed to ease it somewhat; Israel remains the only country in the world to which the Council dedicates its own stand-alone agenda item. We ought to be angry about these things. They do undermine the Council's credibility. And so it's fair to ask, as we have from the start, whether our engagement in this body is right, especially since the good it does consists solely of issuing resolutions and statements that have no power to compel anyone to do anything.

But I've noticed something else over the years, something that has made me increasingly convinced that the Human Rights Council matters. What I've noticed is that our ideological adversaries—countries that want to cover up their human rights abuses and challenge our view that freedom is a universal aspiration—take a great interest in it. Some of the countries I mentioned—Cuba, Egypt, as well as China and Russia—dedicate great diplomatic resources to try to influence the Council's decisions. Why is that? Why do they care so much, especially since, as I mentioned, all the Council can do is to issue pieces of paper?

The reason, I think, is that at bottom, the fight for human rights is a contest of ideas. We and our allies and the vast majority of ordinary people around the world believe that the rights to speak one's mind and to elect one's leaders and to be free from torture, abuse and discrimination are universal, and that every government has a legal duty to respect them. But there are governments around the world that are profoundly threatened by this idea, because it challenges their legitimacy, their argument that they have a right to rule despite being unelected and cruel to their people. They argue that human rights are relative, that every country defines them in different ways based on their culture, history and political system, a view that they have tried to persuade the Human Rights Council to adopt.

Dictators, we should remember, are very insecure people. You have surely noticed that when the U.S. Congress, speaking only for the United States, considers paper resolutions criticizing repression in foreign countries, those resolutions often garner huge attention in those countries, whose representatives lobby you heavily not to pass them. When the Human Rights Council condemns a repressive government, it speaks for the whole world. There can be no more authoritative statement that what dictators do is wrong and that they have no right to be doing it. That's why dissidents and human rights activists from China to Bahrain to Azerbaijan to Venezuela travel to Geneva, sometimes at great personal risk, to tell their stories and urge the Council to speak out. That's why their oppressors have tried so hard (with growing frustration, I'm happy to say) to silence the body, or to persuade it to redefine the meaning of human rights altogether.

If this body matters so much to all of them, then it stands to reason that it should matter to us. Without any illusions about its weaknesses, the most powerful country in the world should be there, helping the good guys win and making the bad guys lose.

Where we have dedicated the time and diplomatic resources required, Mr. Chairman, we have been very successful in doing this since rejoining the Human Rights Council in 2009. There is much more work to be done to make the institution what it should be, but thus far, we have won virtually every winnable fight we have put our minds to winning. This has made a difference in many places, and on many issues.

In 2006, in its first year in existence when the United States was not a member, the Human Rights Council passed exactly zero resolutions concerning human rights abuses in specific countries, other than Israel. Since we rejoined in 2009, the situa-

tion has changed dramatically—the Council passed 26 such resolutions in 2015, 22 in 2016, and it is keeping up that pace in 2017. Every objective observer has acknowledged that American leadership has been key to this progress, because of the skill of our diplomats in Geneva, and our unparalleled ability to lobby governments in capitals all over the world.

With our engagement, the Council has:

• Created an historic Commission of Inquiry into human rights abuses in North Korea, which established that Kim Jong Un and his government are responsible for crimes against humanity, and put the issue of human rights abuses in North Korea on the international agenda for the first time.

• Passed a series of resolutions urging accountability and reconciliation in Sri Lanka, which I can attest from my own diplomatic experience have played a critical role in encouraging that country's hopeful democratic transition and difficult reckoning with its past.

• Repeatedly condemned human rights abuses by the government of Iran, and created a special rapporteur to document them.

• Passed resolutions on Syria and Ukraine that defeated Russia's efforts to defend its actions and allies in those countries.

• Established a Commission on Human Rights in South Sudan, which has collected evidence that can be used to hold accountable leaders responsible for atrocities there.

• Held emergency special sessions to respond to crises from Burundi, to Syria, to Libya, to Nigeria, where it focused on the crimes committed by Boko Haram.

• Endorsed strong definitions of freedom of expression and belief, overturning past decisions pushed by countries like Egypt and Pakistan that justified anti-blasphemy laws and curbs on speech that might be deemed offensive to a religious group.

• Endorsed our view that everyone in the world should have access to an uncensored internet.

• Embraced our position—against strong opposition from some countries—that LGBT people have human rights and should not be subject to violence or discrimination.

• Continued to require all countries in the world, including Russia and China, to answer tough questions about their human rights records as part of the Universal Periodic Review (UPR) process.

Even when we are unable to pass a resolution concerning a particular country—and yes, some repressive countries have enough friends and clout at the U.N. to prevent that—we have been able to use Council sessions in Geneva to mobilize joint actions. Last year, for example, we persuaded a number of like-minded countries to join a tough statement condemning human rights abuses in China, the first multilateral statement on that subject at the U.N. in years. The Chinese government was stunned, and launched a global diplomatic campaign to persuade countries never to sign such a document again, which of course makes me think that we should absolutely try to do it again.

The membership of the Council remains a problem, chiefly because countries are elected on regional slates, and some regions (including, I'm afraid, our own—the "Western Europe and Other Group") run closed slates, denying U.N. members the chance to vote for the best candidates and against the worst. But where competitive elections are held, the worst human rights violators have tended to lose more often than not. Last year, Russia ran for membership and lost—an extraordinary result, given the unwritten rule at the U.N. that permanent members of the U.N. Security Council serve on whatever bodies they want, and a very hopeful one.

We have also made modest progress in combatting the Council's disproportionate focus on Israel. When the Council was created in 2006, and we weren't a member, only Canada objected to the special agenda item on Israel; today, almost all Western countries join the U.S. in boycotting the session. In the years when the U.S. was not a member, more than half of all country-specific resolutions targeted Israel; that share is now below 20%. This is still unacceptable. But we should remember that the fault lies not with the institution per se, which has no will of its own, but with the member countries that push these resolutions. Who are they? Among others, Pakistan, Egypt, Saudi Arabia, Qatar, the UAE, Iraq—close U.S. partners, some of which receive a great amount of aid from the United States. It's easy to blame the U.N. It would be more honest and effective to hold accountable the governments actually responsible, yet we never seem to do so.

I would add that while we must make more progress on this issue, threatening to walk away from the Council is not going to give us leverage to achieve the reforms we want. The reason for this is, simply, that the countries most responsible for the bad things that happen at the Human Rights Council and for opposing the good things, would love to see us walk away, since we're the main impediment to their success. Threatening to leave is like telling a bunch of criminals that if they don't stop robbing banks, the police are going to go on strike. The obvious answer is to dedicated more cops with more resources on the beat, not to cede the field to the bad guys.

I'd like to close by adding one caveat: success at the Human Rights Council is achievable, but it depends on two things that are in doubt right now.

First, as I've suggested, it requires dedicating diplomatic resources. Our diplomats are extremely good at multilateral diplomacy. They know how to win when we tell them that something matters. But winning at the Human Rights Council and other U.N. bodies requires a whole of State Department effort. We need to be pressing not just in Geneva but in capitals around the world, and at all levels, from embassies making demarches to our Assistant Secretaries and Secretary of State making phone calls, to mobilize votes for resolutions we support. But we don't have a whole of State Department right now—not with so many positions unfilled, not with proposed budget cuts that would eviscerate our ability to advance our interests in all but a few countries. To win at the U.N., we need to pay attention to every country, not just the few that are most obviously important to our national security.

Second, it should go without saying that success at the Human Rights Council requires that we care about human rights. Support for human rights and democracy around the world has been a bipartisan tradition, one of the few unifying causes in our politics, and central to our conception of America's role in the world. But right now, with our Secretary of State saying that promoting human rights is a value but not a policy; with our president expressing admiration for authoritarian strongmen and publicly announcing that we will no longer "lecture" them about their treatment of their people, it is very much in doubt.

Around the world today, Mr. Chairman, people are wondering not whether the U.N. Human Rights Council will champion human rights, but whether the United States will continue to do so. It is answering that question that deserves our most urgent attention today.

Senator YOUNG. Thank you, sir.

Mr. Neuer.

STATEMENT OF HILLEL NEUER, EXECUTIVE DIRECTOR, U.N. WATCH, GENEVA, SWITZERLAND

Mr. NEUER. Thank you, Chairman Young, Ranking Member Merkley. Thank you for inviting me to testify on the important matter of assessing the United Nations Human Rights Council ahead of the visit of Ambassador Haley to Geneva. Indeed, we will welcome her visit very much.

I believe that the U.S. should remain on the council not because this body is upholding its mission to promote and protect human rights but on the contrary, because the Human Rights Council is a dangerous place. And I believe, for America to promote its values and the founding values of the United Nations, America should remain. It should fight. It should go on the record. It should lead its allies. It should call out abuses.

And this is a body, whether we like it or not, that influences the hearts and minds of hundreds of millions of people, and we should not abandon that arena. And if possible, on those rare occasions when an alliance can be found to spotlight abusers, America should lead that effort.

That is concerning values. There are also interests. America has interests to stay on the council. It is an influential arena. There is a reason why countries around the world vie to win a seat. America

has a seat, and I think it would be foolish to give up that position of influence.

On human rights, the United States has to lead by what it says and what it does. That is why I criticized the President when he called certain media institutions the enemy. When he did so, I happened to be next to Can Dundar, a Turkish journalist who was called the enemy by his President, and, soon after, he was shot at and almost killed in Turkey. We honored him recently in Geneva.

America has to lead on human rights.

Of course, when we talk about the media, it is legitimate to question and criticize certain articles that appear in the media. One, which I will challenge today, is an article that appeared in March of this year in the New York Times by their U.N. correspondent, which expressed extraordinary skepticism concerning Ambassador Haley when she said that the Human Rights Council was so corrupt. I quote from the article. "She dismissed the Human Rights Council as 'so corrupt,'" without offering evidence. That skepticism remained in the article.

So, yes, the Human Rights Council has taken action on a number of cases. North Korea is one of them. Yes, there are many good people who work in the related Office of the High Commissioner for Human Rights, which supports the work of the council. And there are good special rapporteurs who are independent experts who do good work to spotlight abuses. But on so many levels, the Human Rights Council is so corrupt. And ahead of Ambassador Haley's visit, allow me to present some of that evidence.

There is corruption that is financial. One gentleman, the longest serving U.N. human rights expert in Geneva, is a man named Jean Ziegler who has been there for about 17 years. You cannot get rid of the guy. He was special rapporteur on hunger, and now he is on their advisory committee. He was recently celebrated by the Human Rights Council at their opening high-level session. There was a film made about his life where the head of the Human Rights Council Branch, the chief of the HRC branch of the Office of High Commissioner, went to sing his praises.

Jean Ziegler is someone who was appointed by the Cubans around the year 2000. He created the Muammar Qaddafi Human Rights Prize in 1989. He went on to manage that prize from Geneva. He boasted about it in Time magazine, saying that he had $10 million from the Qaddafi government to manage this prize, which they gave to Chavez, Castro, Louis Farrakhan, and a Holocaust denier in the year 2002, in the same year that Jean Ziegler himself, as a U.N. expert, went to Libya and won that prize, which, by the way, came with $100,000 per year.

He denied it for 10 years. When we exposed the video of him receiving the prize, he admitted it. He said the Office of the High Commissioner made him give back the prize. But the money, no one has ever investigated what he did with that money. Not surprisingly, Ziegler was an ardent advocate opposing sanctions on the Qaddafi regime while he was implicated in ties with that regime.

The official of the Human Rights Council who praised Zeigler recently, the senior head of the HRC Branch, was himself recently accused by a member of his own office of having received money from a member of the Arab League to help launch his book.

There was also corruption that is ethical. When Richard Falk, who was the special rapporteur on Palestine for 6 years, someone who is a leading supporter of the 9/11 conspiracy theory, when he finally had to leave because of term limits, the day he left, his wife came in, Hilal Elver, as the new special rapporteur on hunger. She is not only his wife but also a co-collaborator with him on his works, and has accused Israel of water apartheid.

She is the expert on hunger, yet Venezuela, where people are starving, she has completely ignored. On the contrary, she has tweeted Maduro propaganda, saying that the problems of starvation are caused by capitalists and people from the outside.

There is corruption on the commissions of inquiry. The head of the recent commission of inquiry on Gaza was a man named William Schabas, who was an anti-Israel campaigner for 30 years. He said that his dream defendant was Benjamin Netanyahu. And he was then made the chief of this investigation.

Today, we released a legal brief, which we submitted to the U.N. Secretary-General, where we exposed the fact that one of the leading staffers on the Goldstone commission, which is relevant because it will be cited in a new report coming out in a matter of days at the upcoming June session, a lead staffer was a woman named Grietje Baars; she, too, was a senior organizer of anti-Israel legal campaigns. She was one of the professional objective staffers who played a critical part in gathering that report.

In summary, Mr. Chairman, members of the subcommittee, the Human Rights Council was founded on the promise of reform. Now, over a decade later, if we look across-the-board, the actions that are positive are in the small minority, and the actions that are hostile to human rights that single out democracies like Israel are in the majority. I believe America should stay and fight those injustices.

Thank you very much.

[The prepared statement of Mr. Neuer follows:]

PREPARED STATEMENT OF HILLEL C. NEUER

Chairman Young, Ranking Member Merkley, and Members of the Subcommittee, thank you for the opportunity to appear before you today to testify on the important matter of the performance of the United Nations Human Rights Council, the role of U.S. engagement, and possible options for reform.

The primary human rights body of the U.N. is the 47-nation Human Rights Council, which was created in 2006 by General Assembly Resolution 60/251, with the goal of replacing the Commission on Human Rights and redressing its shortcomings.

How has the council performed in its first decade?

Let us measure its performance by the yardstick of the U.N.'s own standards. These were set forth in 2005 by then-U.N. Secretary-General Kofi Annan.

In calling to scrap the old Commission, Secretary-General Annan identified its core failings:

- Countries had sought membership "not to strengthen human rights but to protect themselves against criticism or to criticize others."
- The Commission was undermined by the "politicization of its sessions" and the "selectivity of its work."
- The Commission suffered from "declining professionalism" and a "credibility deficit"— which "cast a shadow on the reputation of the United Nations system as a whole." [1]

Today, almost 11 years later, we must ask: Has the council remedied these fatal flaws?

In creating the council, the U.N. General Assembly made clear its expectations for the new body:

• Resolution 60/251 of 2006 promised that the new council would elect members committed to "uphold the highest standards in the promotion and protection of human rights."

• Those committing gross and systematic violations of human rights could have their membership suspended, by a two-thirds majority vote.

• The council would in its regular work "address situations of violations of human rights, including gross and systematic violations."

• A powerful tool was the ability of merely one-third of the members, only 16 countries, to convene urgent sessions.

• The council's work would be guided by "universality, impartiality, objectivity and non-selectivity."

A decade later, where do we stand? Have these expectations been met?

Kofi Annan's call for reform had identified the issue of membership, as noted above, as a core failing of the old Commission. The entire work of the council stands or falls on the quality of its members.

Sadly, council membership remains dismal. Less than half the members meet basic democracy standards of a "Free" society as measured by Freedom House. The majority are human rights abusers of varying degrees.

Members include: Burundi, China, Congo, Cuba, Egypt, Iraq, Qatar, Saudi Arabia, United Arab Emirates, and Venezuela.

In 2001, speaking of the old Commission, Kenneth Roth of Human Rights Watch said this:

> "Imagine a jury that includes murderers and rapists, or a police force run in large part by suspected murderers and rapists who are determined to stymie investigation of their crimes."[2]

Sadly, a decade after the reform, these words apply even more today.

Turning A Blind Eye to Victims

Given this membership, it should not be surprising that, apart from a number of exceptions, the council has regularly turned a blind eye to the world's worst human rights violations. The council has failed the victims who are most in need of international attention.

Impunity for Worst of the Worst

- There have been no resolutions for victims in China, despite gross, systematic and state-wide repression, the unjust imprisonment of Nobel Laureate Liu Xiaobo and democracy leader Wang Binzhang, the massacre of Uighurs, and the killing of Tibetans;
- None for Cuba, where peaceful civic activists are beaten or languish in prison, and where the suspicious death of legendary dissident Oswaldo Paya remains uninvestigated;
- None for Zimbabwe, despite ongoing brutality by the Mugabe regime;
- None for Turkey, where more than 100,000 teachers, judges, academics, and government officials have been fired in the past year by President Erodgan's regime, with journalists like Orhan Kemal Cengiz indicted on trumped-up charges;
- None on Saudi Arabia, even as its military has killed thousands of civilians in its carpet bombing of Yemen, and even as it offers example and inspiration for the Islamic State through a regime that subjugates women, tramples religious freedom and conducts beheadings—all in the name of a fundamentalist theology which, over decades and with billions of petro-dollars, Saudi Arabia has propagated around the globe;
- None on Russia, even as it invaded Ukraine, swallowed Crimea, sparked bloody wars on its eastern and western borders, crushed basic freedoms at home, and reportedly assassinated dissidents and journalists who dare to defy the dictatorship of Vladimir Putin;
- And the list goes on. More than 170 out of the U.N.'s 193 member states have never been condemned by the council for any human rights violations. These governments have never been made the subject of a commission of inquiry, investigation by an independent expert, or an urgent session.

What is most troubling is that no resolutions have even been proposed regarding these gross violators.

Notably, while from 2006 to 2016 the council only condemned 14 different countries, even its discredited predecessor, in the 10-year period from 1991 to 2001, con-

demned 24 different countries. For this the minority faction of liberal democracies—France, Germany, the UK, the U.S. cannot blame others. Democracies that care about human rights ought to hold the worst abusers to account.

Universal Periodic Review: A Mutual Praise Society

The new Universal Periodic Review (UPR) mechanism, introduced in the 2006 reform, was supposed to be the council's saving grace. In theory, the fact that every country is reviewed under the UPR—even if it is only once every four years, and for only three hours—is a positive development.

In practice, however, most of the reviews have failed to be meaningful, effective, or noteworthy. During one session in 2009, Libya used the UPR to praise Cuba for "promoting freedom of thought and expression," while China praised Saudi Arabia for its record on women's rights.

In 2013, China again used the UPR to praise Saudi Arabia—shortly after 53 Ethiopian Christians were arrested for praying in a private home—for its "religious tolerance." The next day, Saudi Arabia praised China, which has trampled the human rights of the Tibetans, for "progress" in "ethnic minority regions, at the political, cultural and educational levels."

With the exception of a small amount of meaningful questions posed by democracies, the UPR has amounted to a mutual praise society.

Elevating Apologists for Dictators

There are many U.N. human rights experts, known as Special Procedures or Special Rapporteurs, who do good work. For example, Dr. Ahmed Shaheed, the former Special Rapporteur on Iran, did an exemplary job of holding that regime to account for their abuses, even if the council's annual resolution, in contrast to that of the General Assembly, contains nothing of substance on the situation of human rights in Iran.

At the same time, on several occasions, the council has appointed experts who distort human rights.

One example is the council's 18-member Advisory Committee. Members in the past have included Halima Warzazi, who in 1988 shielded Saddam Hussein from being censured after he gassed Kurds in Halabja; Jean Ziegler, who co-founded the "Muammar Qaddafi International Prize for Human Rights," and who is still a member today; and Miguel d'Escoto Brockmann, who embraced the murderous rulers of Iran and Sudan.

Likewise, in 2015 the council appointed Idriss Jazairy as one of its human rights monitors, despite the fact that he is the same person who, as Algerian ambassador in 2007, personally directed an aggressive campaign to muzzle the council's human rights monitors, by imposing a "Code of Conduct."

Mr. Jazairy promptly made a U.N. visit to Sudan, not to criticize a government whose leader is wanted by the International Criminal Court for being a perpetrator of genocide, but rather to declare that Sudan was a victim of human rights violations, in the form of U.S. sanctions against that government.

Demonizing Israelis and Denying Their Human Rights

Nowhere is the chasm between promise and performance more pronounced than in the council's pathological obsession with demonizing Israelis and denying their human rights. The council's selective treatment of Israel is a standing and gross breach of its obligation to act "without distinction of any kind" and "in a fair and equal manner."

The council's persecution of Israelis has never been worse. From its creation in June 2006 through June 2016, the UNHRC over one decade adopted 135 resolutions criticizing countries; 68 out of those 135 have been against Israel—more than 50%.

More significantly, in qualitative terms, never before has the actual damage been greater in terms of human lives affected. The council's 2009 commission of inquiry on Gaza which produced the Goldstone Report—a 500-page document that excoriated Israel and exonerated Hamas—initiated a new era whereby a terrorist group has come to rely on the council as a reliable and powerful global tool in its war against Israel.

Knowing that the council and its appointed commissioners will condemn Israel based on a false effects-based evaluation of targeting judgments, Hamas been incentivized by the U.N. to launch rocket attacks against Israeli civilians while placing its own civilian population in harm's way. Thus the council's Goldstone Report contributed to the Gaza war of 2014, which produced an identical pattern of the council convening an urgent session condemning Israel from the start, and producing an egregiously flawed and biased report.

Another example of the council's intensifying assault on the human rights of Israelis is the March 2016 resolution which instituted a new U.N. black-list of com-

panies doing business across the 1949 armistice line, whose goal is to have the U.N. implement the anti-Israeli BDS campaign—boycott, divestment and sections. By legitimizing coercive measures akin to the Arab Boycott of Israel, the council now seeks to strangle the economic life of Israeli citizens. High Commissioner Zeid should not allow his office to be complicit in this assault.

Special Agenda Item Against Israel

When the council's creation was debated in 2006, the U.N.'s Department of Public Information distributed a chart promising that, in its words, the "agenda item targeting Israel" (Item 8) of the old commission would be replaced at the new council by a "clean slate."[3] Although this course correction never came to fruition, it is important to note that a key U.N. document acknowledged the true nature of the agenda item: to target Israel.

Despite the promise of reform, the new council revived the infamous agenda item, now as Item 7. No other country in the world is subjected to a stand-alone focus that is engraved on the body's permanent agenda, ensuring its prominence, and the notoriety of its target, at every council meeting.

The council's credibility and legitimacy remain compromised as long as one country is singled out while serial human rights abusers escape scrutiny. Item 7 negates the council's founding principles of non-selectivity and impartiality.

Indeed, U.N. Secretary-General Ban Ki-moon criticized this act of selectivity a day after it was instituted. On June 20, 2007, Mr. Ban "voiced disappointment at the council decision to single out Israel as the only specific regional item on its agenda, given the range and scope of allegations of human rights violations throughout the world."[4]

Importantly, the U.S., the EU and other democracies as a general rule today no longer speak under Item 7. Rather, they voice any of their criticisms of Israel during the general debate on all country human rights situations, which is Item 4.

Content of Resolutions

What makes the resolutions on Israel different from virtually every other country-specific resolution is that they are suffused with political hyperbole, selective reporting, and the systematic suppression of any countervailing facts that might provide balance in background information or context.

By contrast, even the council's resolutions on a perpetrator of atrocities such as Sudan—whose president, Omar al-Bashir, is wanted for genocide by the International Criminal Court—regularly included language praising, commending and urging international aid funds for its government.[5]

A 2008 resolution on Sudan, for example, even as it expressed concern at violations in Darfur, failed to condemn the Sudanese government, and instead falsely praised the regime for its "collaboration" and "engagement" with the international community, for "measures taken to address the human rights situation," and for "cooperating fully with the Special Rapporteur."[6]

It suggested the regime was engaged in the "progressive realization of economic, social and cultural rights in the Sudan," and failed to reflect the true gravity of the human rights and humanitarian situation. It called for support and assistance to the Sudanese government. A resolution adopted in 2010 was similar.[7] None of this positive language, by contrast, appears in any of the resolutions on Israel.

Indeed, on one occasion, the council's praise of the al-Bashir regime was so excessive that the EU actually voted in opposition to a resolution on Darfur.[8]

The practice of singling out Israel—not only with a disproportionate amount of resolutions, but with language that is uniquely condemnatory—constantly reinforces the impression that there is nothing whatsoever to be said in Israel's favor. The effect, as the philosopher Bernard Harrison has carefully shown in his book The Resurgence of Anti-Semitism, describing this same phenomenon in other influential sectors, is to stigmatize Israel as evil.[9]

Former U.N. Secretary-General Kofi Annan has criticized this bias:

> "I believe the actions of some U.N. bodies may themselves be counterproductive. The Human Rights council, for example, has already held three special sessions focused on the Arab-Israeli conflict. I hope the council will take care to handle the issue in an impartial way, and not allow it to monopolize attention at the expense of other situations where there are no less grave violations, or even worse."[10]

Ban Ki-moon delivered similar remarks at the conclusion of his term in 2016.

Indeed, victims of human rights crises around the globe have been ignored. Worse, some special sessions have been used to legitimize violations. In 2009, Western states finally managed to convene a special session on Sri Lanka after it killed an

estimated 40,000 civilians. Yet the council majority turned the draft resolution upside down and praised the Sri Lankan government for its "promotion and protection of all human rights." [11]

Conclusion: Reform of the UNHRC Has Failed

In conclusion, it is clear that, according to the U.N.'s own standards, the promises of the council's founding resolution—improved membership, action for victims, an end to politicization and selectivity—have not been kept. Sadly, every one of Kofi Annan's criticisms of the old Commission apply equally to the new council.

RECOMMENDATIONS FOR THE UNITED STATES

I believe there are important actions that the United States can and should take to fight back and protect the American values which are embodied in the founding human rights principles and purposes of the United Nations.

1. U.S. Should Keep Its Membership and Lead the Opposition

The U.S. should hold on to its council membership in order to lead the opposition in an arena that influences hearts and minds worldwide. The council is a dangerous place. But we already witnessed in the 2006–2009 period how the absence of the U.S. failed to make the problems go away, and the situation only got worse. The U.S. should appoint an ambassador to the council like Daniel Patrick Moynihan, Jeane Kirkpatrick and Nikki Haley, who will go on the record on the council floor and speak truth to power. This will have the greatest impact. Articulate human rights advocates who have been outspoken opponents of U.N. double standards—such as Alan Dershowitz—ought to be considered.

2. The U.S. Should Oppose the Election of Violators

The U.S. should lobby U.N. member states to defeat the election of unqualified candidates, and speak out against the most egregious candidacies.

Regrettably, the U.S. was inexplicably silent when the murderous Libyan regime of Muammar Gadhafi was elected to the new council in 2010, as it was during the successful 2013 election campaigns of China, Russia, Cuba and Saudi Arabia. As a rule, it has failed to publicly oppose the election to the council of the worst human rights violators. This should end.

In a major 2012 policy speech delivered at the council on Foreign Relations, then-U.S. ambassador for U.N. reform Joseph Torsella declared: "In the case of membership on the Human Rights council, the U.S. will work to forge a new coalition at the U.N. in New York, a kind of 'credibility caucus' to promote truly competitive elections, rigorous application of membership criteria, and other reforms aimed at keeping the worst offenders on the sidelines."

Sadly, this did not happen. The U.S. should encourage countries with the strongest record of commitment to human rights to run for UNHRC election in their respective regional groups. The U.S. should likewise encourage countries to choose candidates based on their record of protecting human rights at home and at the U.N., and not based on political factors.

3. The U.S. Should Hold Abusers to Account by Introducing Resolutions

The U.S. should lead its allies in demanding accountability from council members that commit gross and systematic human rights violations. At every regular session, the U.S. and its allies should initiate measures that meaningfully name rights-abusing countries, unequivocally condemn their abuses, and directly attribute responsibility to the perpetrators.

Under the council's founding Charter, Resolution 60/251, elected member states have special obligations including the duty to "uphold the highest standards in the promotion and protection of human rights."

Yet the worst abusers on the council currently enjoy impunity. Of council members whose human rights records rank lowest on the Freedom House survey, rated as "Not Free," only one—Burundi—has been the object of a resolution, and this occurred prior to its membership term.

The other abusers—China, Congo, Cuba, Saudi Arabia, United Arab Emirates, Venezuela, Qatar—have never once been the object of a single resolution, special session, special rapporteur mandate, or commission of inquiry.

Disappointingly, the council finds itself in an even lower position than its discredited predecessor. Even the Commission on Human Rights, despite all of its severe, systemic, and fatal defects, managed to strongly condemn Russia, for its serious human rights violations in Chechnya; hold Cuba to account with a special human rights monitor; debate U.S.-backed draft resolutions on China; and hold confidential proceedings on Saudi Arabia. By contrast, under the supposedly reformed council,

all of these measures of accountability were eliminated, and council members with the worst human rights records enjoy immunity and impunity.

Though resolutions addressing these regimes may well be defeated by the majority, the U.S. should end its unwritten policy of submitting texts only when they are likely to be adopted. As was proven by U.S. action more than a decade ago on China and other countries, the very introduction of draft resolutions would succeed in focusing the international community on severe country situations, generate worldwide publicity, and accomplish the desired goal of turning an international spotlight on abuses. To do otherwise effectively grants a veto on accountability to the abuser regime and its supporters.

4. The U.S. Should Convene Urgent Sessions on Gross Abuses

The U.S. should convene more urgent sessions on situations of gross human rights abuse. Support from only one third of the membership, or 16 states, is sufficient to convene a special session. While obtaining this amount of signatures is never guaranteed, it is achievable with a modest amount of U.S. diplomacy. Once the session is convened, it is true that any attempt to adopt a censure resolution may well be defeated by the majority, as happened at the May 2009 special session on Sri Lanka. Yet the very convening of an urgent session turns a powerful international spotlight on the violator.

Mass abuses committed in recent years—by China against its Uighur minority, Iran against protesters, Venezuela against opposition leaders—should have been the object of urgent sessions.

The U.S. should vigorously oppose, however, special sessions that serve no purpose other than distraction from core human rights priorities. Sessions held on the world financial and food crises—issues lying far outside the competence of the UNHRC—were designed to point an accusing finger at the West, and to create the false image of a council that seriously responds to pressing developments. The 2010 session on the Haiti earthquake, initiated by Brazil—a meeting that involved no criticism of any government or human rights abuse—also fell in this category.

5. The U.S. Should Promote an Accurate Narrative on the Council

The U.S. should provide a full and complete account of the council's performance. In recent years under the Obama administration, at the conclusion of each regular session of the council, the U.S. State Department issued a set of talking points entitled "Key U.S. Outcomes." These reports described the council as being "at the forefront of international efforts to promote and protect human rights," and as a "more effective and credible multilateral forum." As a rule, these U.S. talking points reported only on perceived achievements, while ignoring the adoption of numerous harmful resolutions that were opposed by the U.S., as well as egregious council failures to address human rights emergencies. The effect of this narrative was to reduce pressure on the council to reform, and to likewise discourage other democracies from speaking out against council misconduct.

6. The U.S. Should Act to Eliminate the Anti-Israeli Agenda Item

The U.S. should act to eliminate the UNHRC's Agenda Item 7, which permanently singles out Israelis for differential and discriminatory treatment at every session, as well as other council measures that demonize Israelis and deny their basic human rights, including the right to life.

7. The U.S. Should Reform the U.N. Committee on NGOs

Finally, the U.S. should invest more efforts to defend NGOs from harassment by acting to reform the U.N.'s influential 19-government Committee on NGOs in New York, which is increasingly misusing its approval and quadrennial review procedures, unduly politicizing what should be a strictly professional and technical process. The U.S. should act to dramatically alter the membership which currently includes—and is dominated by—Iran, Russia, China, Cuba, Pakistan, Venezuela, Turkey, Sudan (whose president is wanted by the ICC for genocide), Burundi (where there have recently been warnings of genocide), Mauritania (which has slavery), Nicaragua, Guinea and Azerbaijan.

Conclusion

Only if we act now, with conviction and vigor, will the world's highest international human rights body have any chance of improving on the fortunes of its failed predecessor.

I look forward to working with the Senate and this committee on these issues, to help reshape the UNHRC into an institution that is credible and effective for human rights victims, according to the noble vision articulated 70 years ago by El-

eanor Roosevelt. I applaud your continued interest in this vital matter, and I welcome your questions. Thank you.

Notes

[1] See Report of the Secretary-General, "In larger freedom: towards development, security and human rights for all," March 21, 2005 (A/59/2005); and Explanatory Note by the Secretary General, Addendum 1 to "In larger freedom," May 23, 2005 (A/59/2005/Add.1).

[2] "Despots Pretending to Spot and Shame Despots," Kenneth Roth, New York Times, April 17, 2001 http://www.nytimes.com/2001/04/17/opinion/17iht-edrothed2__.html

[3] UNDPI, "CHR vs. HRC: Key Differences." The chart had been posted on a U.N. website, but has since been removed. However, copies are available at http://www.kintera.org/atf/cf/%7B6DEB65DA–BE5B–4CAE–8056–8BF0BEDF4D17%7D/HRC—PROMISES.PDF?tr=y&auid=2735018.

[4] See http://www.un.org/apps/news/story.asp?NewsID=22984#.Usyfz__RQIk0.

[5] Two related resolutions adopted on 14 December 2007 are illustrative. In A/HRC/RES/6/34, the council renewed the mandate of an expert on Sudan, yet it failed to condemn the government's massive human rights violations. Instead, the text praised Sudan for "cooperating fully" with the U.N. and urged countries to give money to the Sudanese government. The preamble demanded that the U.N. expert abide by the HRC's code of conduct, implicitly criticizing the monitor's work and weakening his standing. Similarly, in A/HRC/RES/6/35, the council expressed general concern at impunity in Darfur, but quietly abolished its group of experts mandated to monitor that region. The text failed to directly condemn the Sudanese government for violations, and instead praised Sudan for "cooperation," "open and constructive dialogue," and for its alleged efforts to implement recommendations. By contrast, no council resolution on Israel has ever praised its government for cooperation, or anything else, even when U.N. officials in their reports occasionally do so.

[6] A/HRC/RES/7/16: "Situation of Human Rights in the Sudan" (27 March 2008).

[7] In A/HRC/RES/15/27, "The situation of human rights in the Sudan" (1 October 2010), the council renewed the mandate of an expert for one year, yet failed to mention the grave human rights situation in the country or hold the government accountable for its violations. Instead it repeatedly praised the Sudanese government: "Recognizing . . . the efforts of the Government of the Sudan in the promotion and protection of human rights . . . ."; "Commends the cooperation extended by the Government of the Sudan to the independent expert and to the [U.N.] and [AU] missions . . . "; and "Congratulates the Government and the people of the Sudan for organizing and for widely participating in the April 2010 elections."

[8] HRC Decision 2/115 entitled "Darfur" (28 November 2006) noted with concern the human rights situation in Darfur, but failed to name the Sudanese government as a perpetrator. Instead, it extolled Khartoum's positive measures and "cooperation," and called upon the international community to provide "urgent and adequate financial assistance to the Government of Sudan." In protest to the resolution's gross imbalances, the EU and other democracies took the exceptional move of voting No, even though they strongly supported passing a resolution on Darfur and several aspects of that particular text. Yet the same logic is not applied by EU states when they vote each year to support approximately 15 imbalanced UNGA resolutions on Israel sponsored by the Arab and Islamic states.

[9] B. Harrison, The Resurgence of Anti-Semitism: Jews, Israel, and Liberal Opinion (Rowman & Littlefield, 2006) at 67–70.

[10] U.N. Secretary-General Kofi Annan, addressing the Security council, 12 December 2006, http://www.un.org/News/Press/docs/2006/sgsm10796.doc.htm.

[11] Resolution A/HRC/S–11/1, entitled "Assistance to Sri Lanka in the promotion and protection of human rights" (27 May 2009) was adopted by a vote of 29 to 12 (EU and other Western countries voting No), with 6 abstaining. The text "[w]elcomes the continued commitment of Sri Lanka to the promotion and protection of all human rights."

Senator YOUNG. Thank you, Mr. Neuer.

To reinforce something Mr. Malinowski said, I have no doubts that authoritarian regimes and the broader international community will pay some measure of attention to some of the words that are said here today. So thank you much.

Mr. Piccone.

STATEMENT OF TED PICCONE, SENIOR FELLOW, THE BROOKINGS INSTITUTION, WASHINGTON, DC

Mr. PICCONE. Thank you, Mr. Chairman and Senator Merkley, for this opportunity to share my thoughts on why the United States should stay actively engaged with the U.N. Human Rights Council.

Let me start by underscoring what the council is and does. It is a political body composed of governments elected by the U.N. General Assembly and issues resolutions on country situations or thematic topics, like torture or freedom of religion. But it also author-

izes independent experts and fact-finding bodies to conduct country visits to monitor, investigate, and report publicly on specific violations of human rights and some of the most dire situations in the world, from North Korea and Iran, to South Sudan and Eritrea. When these actions are taken by consensus, or even a majority of such a diverse group of countries that sit on the council, then I think we are seeing an effective body, more effective than if we could do it by ourselves.

The council's activities mean a lot to human rights victims, and they shine a light on abuses and create a historical record. But they also put pressure on member states to remedy these violations. I have documented hundreds of cases in which this has occurred.

We should also keep in mind that the council is but one part of the U.N. system that tries to mainstream human rights across the U.N., and that this entire human rights pillar accounts for only 3 percent of the U.N.'s regular budget. So, really, we are trying to do human rights on the cheap, and we need to start matching expectations with resources.

Areas of progress, let me highlight four.

Universal periodic review is a new council mechanism that for the first time examines the human rights record of every country in the world. It has a remarkable 100 percent rate of participation, underscoring the universality of international human rights principles. This means that governments that too often have escaped any U.N. scrutiny for political reasons now receive public questioning and recommendations. And the five governments that have received the most recommendations are among the most repressive in the world: Cuba, Iran, Egypt, North Korea, and Vietnam. Many of these governments have accepted hundreds of these recommendations for reform, and now the work is to follow up and implement them.

Second, country-specific scrutiny. In addition to universal review, the council has dramatically increased the number of independent experts and fact-finding missions to examine abuses in these specific countries, some of which I have already mentioned. Since creation of the council, the number of country-specific reports by these independent experts has increased by 104 percent.

Third, commissions of inquiry, increasingly establishing special expert bodies to investigate the worst violations of human rights, including crimes against humanity. Since 2011 alone, the council has created 17 such commissions, including Libya, Syria, and North Korea. Their work documents violations and their victims quickly before the evidence is destroyed or witnesses lost. We have talked about North Korea. We can talk about it some more, about what it has accomplished.

Then fourth, I think an area of progress is on access to civil society. The Human Rights Council is known as one of the most open and accessible bodies in the U.N. structure. NGOs are actively involved, and special rapporteurs reach out to them when they visit countries on the ground.

Now, we have also talked about some shortcomings, and membership is clearly one of them. There are criteria for candidates for elections and for sitting on the council, and they are not working

to prevent some of the worst violators from getting a seat on the body.

The clean-slates problem we have talked about, but we know that when slates are competitive, the General Assembly has voted to deny seats to some of the worst human rights performers, including Russia, which was mentioned previously. I can further talk about some of the steps that can be taken to address this membership problem.

On Israel, another major shortcoming. We all, I think, can agree that the treatment of Israel is patently biased and unfair. I would suggest that this is maybe an opportunity for the Trump administration to work with other like-minded states, including in the Arab world, and the High Commissioner for Human Rights, to broker an agreement to eliminate the permanent agenda item on Israel and reduce the number of resolutions to one omnibus resolution.

I would not argue in favor of conditioning U.S. membership on the council. I think it is too blunt a tool.

Another area that needs attention is protecting human rights defenders from reprisals. The council, I think, should be very strict when there are cases of reprisals against those that are cooperating with the council, that they be called out on it and even disqualified from membership. And the U.S. has a role to play in pushing that.

On U.S. leadership on the body, we know what the council can do with and without U.S. leadership. We saw it in 2006 to 2009 when the U.S. was absent from the council. They adopted the Israel OPT as a permanent agenda item, convened many special sessions, and other things. It passed a shameful resolution on Sri Lanka before that problem got fixed under U.S. leadership, and terminated mandates on Cuba and Belarus.

After the U.S. joined, the disproportionate attention on Israel dropped significantly, and then the scrutiny on dire cases like North Korea, Syria, and Iran increased dramatically.

There are several other things the U.S., I think, managed to achieve during its time on the council. I mentioned some of them, including on North Korea and Syria, and also on important thematic topics like freedom of association, preventing violence based on sexual orientation, and condemning governments that block access to the Internet.

Finally, let me jump to my final comments. The United States, I think, faces a clear choice—engage proactively as a principled catalyst or withdraw and let authoritarian states manipulate and control the agenda. And they are ready and willing to do so, as others have pointed out.

I think, basically, protecting human rights is too important to our national interests to be left to the spoilers and the naysayers. And I think we, in particular, have a special role to play. And to lead effectively, we must practice what we preach abroad. I think Congress, now more than ever, it is so important to demonstrate to the world that our longstanding commitment to protecting human rights is deep and bipartisan.

Thank you.

[The prepared statement of Mr. Piccone follows:]

PREPARED STATEMENT OF TED PICCONE

Good afternoon, Mr. Chairman, Senator Young and Mr. Ranking Member, Senator Merkley. I am grateful for the opportunity to contribute to the Subcommittee's deliberations regarding the United Nations Human Rights Council and the role of U.S. engagement in supporting and strengthening the world's only intergovernmental body devoted to human rights.

Since its establishment in 2006, the Human Rights Council has carried out its mission to promote universal respect for the protection of all human rights in a myriad of both traditional and innovative ways. These include public scrutiny of every country's human rights performance in accordance with their international obligations; special sessions devoted to addressing gross and systematic violations in countries like Syria; fact-finding investigations; country visits by independent experts charged with monitoring issues ranging from violence against women to freedom of expression; and technical assistance and capacity-building. As a political body representing the United Nation's highly diverse member states, it is both an invaluable instrument for human rights, and an imperfect one. The best option for making it better is for the United States to stay actively engaged in shaping and influencing its work.

As a close observer of its activities since its creation over a decade ago, I will highlight a few of the areas where the Council has made progress over the last several years, and where it has fallen short. I will then make some observations regarding the importance of strong U.S. leadership at the Council by comparing its performance before and after the U.S. joined the body.

AREAS OF PROGRESS

1. *Universal Periodic Review*: The Council has recently completed its second round of publicly examining the human rights record of every member of the United Nations. This unique mechanism allows, for the first time, an opportunity for any government to raise questions and make recommendations about any other government's human rights behavior. It brings recommendations from U.N. treaty bodies, independent experts and civil society to the table for discussion in public hearings webcast around the world. The results so far are encouraging. Over time, more governments are making more action-oriented recommendations, and governments are accepting more of them.[1] Notably, the five governments receiving the most UPR recommendations are among the most repressive in the world—Cuba, Iran, Egypt, North Korea and Vietnam. This process provides a key point of leverage for human rights defenders on the ground and internationally to hold governments accountable to their promises. It also universalizes and depoliticizes human rights as a core obligation of international law. This is a vast improvement on its predecessor, the Commission on Human Rights, which scrutinized only a fraction of U.N. member states during its existence and only with great effort and controversy. Systematic follow-up and implementation, along with tying human rights diplomacy and assistance to the most important recommendations, are needed to continue this progress.

2. *Country-specific Scrutiny*: While the UPR is an important step in the right direction, it certainly is not enough to fulfill the Council's mandate to address dire situations involving gross and systematic violations of human rights. To that end, the Council has dispatched more independent experts, known as special procedures, as well as fact-finding missions and commissions of inquiry to examine human rights abuses in some of the most urgent situations around the world. These include Iran, North Korea, Syria, Burundi, South Sudan, Sri Lanka, Burma, Cambodia, Libya and Eritrea. Their reports provide authoritative findings on the complex patterns of violations, identification of responsible actors, and recommendations for accountability and reform. Between 2006 and 2015, the number of country-specific reports submitted by special procedures increased by 104 percent and the number of governments issuing standing invitations to these independent experts almost doubled to 114. Since 2006, the Council has convened 26 special sessions devoted to urgent cases of human rights, which one-third of the Council's members can call at any time. These include two recent sessions on Syria and on South Sudan and one in 2014 on the atrocities committed by ISIS. Nonetheless, the Council has failed to act in the face of other urgent crises. To address this problem, the UNGA could allow the Secretary General, the High Commissioner for Human Rights, or the Security Council to request Council action on particularly urgent country situations.

[1] In 2008, just 27 percent of all UPR recommendations were accepted; in 2014 this number rose to 69 percent. Ted Piccone and Naomi McMillen, "Country-specific Scrutiny at the United Nations Human Rights Council: More than Meets the Eye," Brookings Institution Working Paper, May 2016, p. 9.

3. *Commissions of Inquiry*: The Council is establishing a growing number of commissions of inquiry to serve as independent fact-finding bodies to investigate grave violations of human rights, including crimes against humanity, and to identify perpetrators for the purpose of holding them accountable. This instrument is designed to document violations and victims quickly, before evidence is destroyed or witnesses lost, and to begin a process of accountability in situations where national authorities are unwilling or incapable of conducting proper investigations or trials. Since 2011, the Council has created 17 such commissions covering a diverse array of countries from Cote d'Ivoire to Sri Lanka.[2] The commission on North Korea delivered a trailblazing 400-page report in 2014 documenting crimes against humanity—including murder, torture, rape, enslavement, forced abortions and knowingly causing prolonged starvation—carried out at the highest levels of government. The report triggered unprecedented attention by the U.N. Security Council, creation of a U.N. human rights field office in Seoul and, more recently, targeted sanctions by the U.S. government. The commission of inquiry on Syria, with support from a new supplemental body of experts recently established by the U.N. General Assembly, is preparing files on specific individuals responsible for massive human rights violations in that conflict so that, one day, there might be accountability for the victims under international criminal law.

4. *Access to Civil Society*: The Human Rights Council is known as the most open and accessible body in the entire U.N. structure. This is precisely as it should be given that every human being is entitled to human rights under international law and deserves a chance to be heard. With the Council meeting three times a year in regular session, plus UPR and special sessions, side events, expert panels and a regular call for submissions from nongovernmental organizations, civil society has a special year-round place in the Council's activities. With the support of the Office of the High Commissioner for Human Rights (OHCHR), the Council's programs are ever more transparent through its website and webcasting facilities. Special rapporteurs routinely reach out to civil society activists and experts on their country missions, a key ingredient for ensuring their work is relevant to human rights defenders on the ground. UPR is also opening new doors for human rights activists to make their case directly to government officials for reforms that meet international standards and establishing systematic follow-up reviews.

SHORTCOMINGS AND OPTIONS FOR REFORM

1. *Membership*: The U.N. General Assembly is responsible for electing members to the Council based on "the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto." In addition, once elected, members are charged with upholding "the highest standards in the promotion and protection of human rights" and "shall fully cooperate with the Council."[3] Sitting members that commit gross and systematic human rights violations can be suspended by the General Assembly. These criteria were intended to fix a recurring problem, which plagued the predecessor Commission on Human Rights, of members unwilling to honor or, worse, subverting the human rights promotion mission of the body. With the reallocation of seats geared more to Africa and Asia in 2006, these rules were also meant to guard against a predominant influence by non-democratic states uncommitted to the U.N.'s human rights pillar. Currently, about 45 percent of Council members are rated as free in Freedom House's annual ratings and 23 percent are graded as not free.

Unfortunately, now with over ten years of experience, we can say that the membership results are disappointing. Time and again, member states elect candidates who do not meet the election criteria, even in the face of concrete evidence that they are not fully cooperating with the Council's mechanisms. Even worse, states are unwilling to exercise the suspension option, as in the case of Burundi last year. Regional blocs too often put forward clean slates that give the General Assembly no real alternatives. We know that when slates are competitive, the UNGA has voted to deny seats to some of the world's worst human rights performers; even Russia, a P–5 Security Council member, was defeated last November after its bombing of civilians in Aleppo, Syria. Thanks to competitive slates, other states have been defeated or chose to withdraw in the face of likely defeat, including Sudan, Iran, Syria, Azerbaijan and Belarus.

To address the membership problem, the United States and its democratic allies in the Community of Democracies should redouble their efforts to recruit other like-minded states to run, especially the many electoral democracies that have never

[2] Only two of these 17 were related to Israel/OPT.
[3] UNGA Res. 60/251.

sought a seat on the Council. They should build consensus in the GA for new rules that would mandate competitive slates for membership and lead by example in their own regional blocs. In cooperation with OHCHR, they should use the annual elections process as an opportunity to shine a bright light on the states that are not fully cooperating with the Council.[4] Where regional slates are closed, the United States mission in New York should lead efforts to block the worst offenders from reaching the minimum 97 affirmative votes needed to be elected. Like-minded states should also increase their contributions to the Council's special assistance fund established to help small island and low-income states fulfill the heavy demands of membership. Finally, in egregious cases, they should mobilize support to remove a state responsible for gross and systematic abuses, as in they did with Libya in 2011.

In the meantime, it is worth remembering that the Council continues to take robust action against states that commit grave violations, over the objections of members like China, Saudi Arabia, Egypt, Burundi, Cuba and Venezuela. This is thanks to determined efforts by the United States and other like-minded governments to build cross-regional coalitions for action. When the Council adopts these measures by consensus—most recently this past March in the cases of South Sudan, Myanmar and North Korea—the moral and political voice of the Council is even stronger.

2. *Israel/Palestine*: We can all agree that having Israel's occupation of Palestine (OPT) as a permanent item on the Council's agenda (Item 7) is patently biased and unfair. The annual ritual of singling out Israel for violations committed in the course of its five-decades long occupation of the Palestinian territories is hypocritical and violates the letter and spirit of the Council's principles of "objectivity and non-selectivity." It is long past time for moving Israel/OPT resolutions to the regular agenda item that deals with country situations, like any other country, and to reduce the number of Israel/OPT resolutions to a manageable and proportionate size. A serious negotiation should take place, perhaps led by the High Commissioner for Human Rights, with mediating support from states like Norway and Morocco, that would bring together Israel, Palestine and the Arab states for this purpose. The United States might help play a supporting role in brokering such an agreement as part of an early confidence-building step in an Arab/Israeli peace process. I agree, however, with the Council on Foreign Relations report published earlier this year that Congress should avoid conditioning its membership on the Council on eliminating Item 7—it's the wrong tool for the right goal.

3. *Protecting Human Rights Defenders from Reprisals*: As noted previously, the Council's mechanisms are the most open and accessible of any body at the United Nations. But several problems remain. NGO representatives invited to speak at the Council are too often interrupted with harassing points of order from repressive delegations. Reprisals against human rights defenders who cooperate with the Council are much too frequent. Any state found to be responsible for such reprisals, and which fails to rectify them, should be disqualified from sitting on the Council. Finally, the U.N. member states must fix the broken process of granting accreditation to civil society organizations. The U.N. NGO Committee in New York routinely has failed to discharge its duties in this regard and has become a tool for authoritarian states that fail to uphold basic norms of freedom of association in their own countries. If Congress wants to improve this situation, it should instruct our mission in New York to work with the Community of Democracies to lobby for a complete overhaul of the accreditation system to take it out of the hands of diplomats and give it to professional experts qualified to make the technical assessments needed to give civil society a greater voice at the United Nations.

U.S. LEADERSHIP

We know from years of experience in the field of human rights diplomacy that when the United States puts its shoulder to the wheel and adopts smart and constructive strategies to promote and protect human rights, it can succeed. We also know that when Washington decides to withdraw, as it did during the Council's early years from 2006–09, the results can be disastrous for our interests and that of our allies.

During negotiations for creation of the Council, the Bush administration fought hard for a smaller body composed of strong human rights defenders and other reforms. When it did not achieve all its goals, the administration decided that the outcome was not worth their time and yielded the floor to the likes of Pakistan, Egypt, Algeria, Saudi Arabia, Cuba and others who were bent on manipulating the rules

[4] This could be done through an annual report on whether or not a state accepts country visits by Special Procedures and responds to their communications, submits timely reports to treaty bodies, and implements recommendations accepted from the UPR mechanism.

to castigate Israel and reduce scrutiny of other flagrant abusers. Unfortunately, they succeeded. During the U.S. absence, the Council indeed took action to make "the human rights situation in Palestine and other occupied Arab territories" a permanent agenda item. During the three-year period when we were absent, the Council's members also convened no less than six special sessions on Israel's behavior and established two commissions of inquiry on Israel's record in the Gaza conflict and elsewhere. Beyond Israel, the Council in 2009 shamefully convened a special session on Sri Lanka's bloody termination of its conflict with the Tamil National Liberation Front that ended up praising the government's anti-terrorism record. It also terminated mandates of independent experts monitoring human rights violations in Cuba and Belarus.

In 2009, the Obama administration decided to rejoin the Council and devoted significant diplomatic efforts to address its shortcomings. The United States won reelection to a second three-year term in 2012 and after a mandatory year off rejoined the body this year. The impressive results of this activism are a tangible reminder that U.S. leadership does make a difference in advancing both our values and our interests.

To give a few examples, the number of special sessions called on Israel dropped from six during the three years before we joined the Council to one during our first two terms as a member; a similar decrease in the proportion of country resolutions and commissions of inquiry devoted to Israel occurred, along with a corresponding increase in attention to dire cases like Iran, North Korea and Syria. Israel now participates in the Western European regional bloc and in the Universal Periodic Review and relies heavily on the United States to defend it from biased scrutiny by boycotting item 7 sessions, voting against unfair resolutions and lobbying others to join them.

Since the U.S. became a member in late 2009, the Council has also undertaken the following actions:

• Re-established special procedures mandates for Belarus and Iran (the Iran mandate was terminated in 2002 after the United States lost a bid for a seat on the former Commission on Human Rights). The two special rapporteurs on Iran have filed hard-hitting reports on the woeful human rights situation there, most recently citing Iran's extremely high rate of executions, constraints on an independent judiciary, violations of due process, women's rights and systematic discrimination against religious minorities. The Belarus mandate remains the sole international monitoring mechanism on the country.

• Established a commission of inquiry on North Korea, a more intensive mechanism to address that country's alarming human rights situation, by unanimous vote. The commission's final report relied on over three hundred interviews and satellite imagery to document crimes against humanity and singled out Kim Jong-un for his responsibility in such violations as forced labor, sexual violence and persecution of Christians and other religious minorities. Despite objections from Russia and China, the Security Council agreed to elevate North Korea's human rights situation to its regular agenda. This was a historic step, establishing the incontrovertible link between human rights and international peace and security, a point that Ambassador Nicki Haley made effectively during the recent U.S. Presidency of the Security Council.

• Mandated a special OHCHR investigation into issues of accountability and reconciliation in Sri Lanka that restored momentum to the movement to address the government's shortcomings in this area. With the election of President Sirisena in 2015, who promised to restore the country's international standing, Sri Lanka is more open to international human rights monitoring and assistance.

• Convened four special sessions on the crisis in Syria and, in August 2011, created a commission of inquiry that continues to document the atrocities of the main parties to the conflict that eventually can be used to hold the perpetrators accountable under international criminal law. The COI's list of Syrian individuals and groups allegedly responsible for war crimes already is paving the way for judicial proceedings against foreign fighters in at least three European countries.

• Adopted important new norms and monitoring in such areas as: protecting freedom of association and assembly against the growing attacks on civil society and human rights defenders; preventing violence and discrimination based on sexual orientation and gender identity (SOGI); combating religious intolerance while protecting freedom of expression; and condemning for the first time governments that intentionally block or disrupt access to the Internet. The SOGI resolution also broke new ground in appointing an independent expert to conduct country visits to assess

the status of LBGT rights, engage activists and governments and provide reports and recommendations to the Council and the General Assembly.

These are just some of the many concrete deliverables that, simply put, would not have been possible without sustained and creative leadership by the United States. As documented in detail in the Council on Foreign Relations report of January 2017, in every case summarized above, our diplomats worked publicly and behind the scenes to forge cross-regional coalitions, draft pathbreaking resolutions, engage and defend civil society, and make the case for why the international community can make a difference in protecting human rights on the ground. Key to this record of success was appointment and Senate confirmation of a U.S. Ambassador dedicated to the hard work of building coalitions, improving membership and speaking out for continued reforms. The evidence against U.S. withdrawal from the body is clear - its absence from the Council's deliberations during the first three years of its existence led to serious setbacks on multiple fronts, including the body's preponderant focus on Israel.

CONCLUSION

In the end, the United States faces a clear choice: between engaging strategically as a principled catalyst through the international human rights system, or withdrawing to its own corner and letting authoritarian states weaken and dismantle that system. There should be no doubt in anyone's mind that they are ready and willing to do so. Promoting and protecting human rights is too important to our national interests to be left to the spoilers and the naysayers.

The Council, we should recall, is but one instrument in our repertoire of tools to advance human rights around the world. But as demonstrated by the examples above, and even with its faults, it remains the only global human rights body with the legitimacy and universality to extend fundamental principles of human dignity to every corner of the world. Working alongside the High Commissioner for Human Rights, who is doing a remarkable job in calling the world's attention to the most serious human rights situation, and our dedicated corps of diplomats in Geneva, New York, Washington and abroad, the United States should stay actively engaged and build on the Council's proven track record of progress. It deserves Congress's continued support, now more than ever.

Senator YOUNG. Thank you, Mr. Piccone.

There is a lot of agreement across the panelists with respect to your assessment of the Human Rights Council. There are two particularly salient areas, as I see it. My initial questions will address each of them. First is anti-Israel bias and secondarily council membership.

Each of you just indicated in your statements that there is an anti-Israel bias at the U.N. Human Rights Council. When you consider the horrendous human rights track records of many of the members of the council—I mentioned China, Cuba, there is also Venezuela—it is a real indictment of the council that Israel, the only liberal democracy in the Middle East, is the only country in the world targeted with a permanent agenda item. When you consider human rights atrocities committed by Moscow, Tehran, Pyongyang, and the Assad regime, to name just a few, the fact that the council has targeted Israel with more than half of its resolutions criticizing countries since 2006, without putting too fine a point on it, it is shameful.

Ms. Silverberg, you called the anti-Israel bias a stain on the council.

Mr. Malinowski, you called it outrageous.

Mr. Piccone, you call it biased, unfair, and hypocritical.

Mr. Neuer, you suggest the council's obsession with Israel best highlights the chasm between the promise versus the performance of the council.

So we have consensus here, that this is unacceptable. Based on that consensus, here is an open-ended question for all of you. What

specific steps can our government take, working with our international partners, to get Israel removed from the permanent agenda of the council?

I will begin with Mr. Piccone, because I think you actually proposed reducing the number of agenda items to one. Perhaps you could restate that proposal and expound a bit upon it, and then I will give others an opportunity to respond.

Mr. PICCONE. Sure.

Each March, there are a number of resolutions on the docket of the Human Rights Council agenda that focus on Israel. I think this is obviously excessive. They are highly repetitive, and they are way out of proportion to anything else.

So I think one way of addressing this is, number one, get rid of agenda Item 7 and put it under what is called Item 4, which is where a lot of other country-specific situations are handled. So Israel should be treated like any other country in the world. That is the fundamental principle that we are aiming for. Then you could say, okay, we have a certain number of concerns and here they are being addressed in one resolution.

But it is a political issue, so it has to require U.S. leadership with Arab countries specifically to sit down and figure out how this can be negotiated.

Senator YOUNG. Mr. Neuer.

Mr. NEUER. The question of the special agenda item against Israel actually dates back about 50 years. In fact, few are aware that, effectively, the precursor to the special agenda item against Israel began before there was even a universal agenda item for other countries. It was only after there was special attention on Israel and a couple other countries when eventually it was expanded to be a universal agenda item separate from the one on Israel. So we are really going back to a problem that dates back at least 50 years.

The architect of the Universal Declaration of Human Rights, Rene Cassin from France, walked out of the Tehran human rights conference of 1968 when they began the singling out of Israel, and it really has not gone away.

When the Human Rights Council promised it would change that, that was the promise of Kofi Annan. They specifically cited the agenda item targeting Israel that plagued the old commission. They promised that the new council would have "a clean slate" and would be universal in its treatment of human rights situations. Of course, that was not the case. In June 2007, and I was there, they shamefully adopted once again the special agenda item against Israel.

It would be extremely difficult to remove it, given the current majority that exists. There is an automatic majority at the Human Rights Council of about 25 to 30 out of 47 states that will support any measure singling out Israel. For them, the agenda item is a vital part of their agenda. So I think it will be extremely difficult.

Nevertheless, the United States needs to go on the record and try its best to fight it.

Senator YOUNG. Mr. Malinowski.

Mr. MALINOWSKI. Thanks.

I think the goal should be to get rid of the standalone agenda item, first and foremost. That is the most outrageous piece of this. I think the politics has gotten better for us, although I certainly agree, we do not have the votes right now.

Just to give you an example, when this was created in 2007 at the beginning of this version of the Human Rights Council, only Canada stood up to object. We were not members, so we could not.

Today, virtually every Western country joins us in boycotting the session when they come up onto Item 7. We still do not have the majority that we need.

The key I think, as I suggested in my testimony, and this is not a Geneva issue, this is not a Human Rights Council issue, this is an issue that relates to specific countries in the Middle East that lead the charge in keeping this on the agenda and proposing these resolutions. We are very, very upset about it, and we make speeches about it, and we go to Geneva and we yell and scream. But, frankly, we almost never raise it in a bilateral context with our allies in the Middle East.

I agree with Mr. Piccone. We have an opportunity now with the new administration. I doubt it came up in these meetings in Saudi Arabia that just happened, but they have an opportunity, if they want, to persuade our allies as part of the broader Middle East push that is underway to make this concession.

Senator YOUNG. Anything to add, Ms. Silverberg?

Ms. SILVERBERG. I will just say, I have great respect for Tom's ability as a diplomat. So if he tells me that the Obama administration won all the winnable fights in Geneva, I believe him. But I think the Trump administration has to try.

One, as Ted and Tom pointed out, the Trump administration has invested in a different set of relationships. It has a different set of leverage. As they pointed out, I think they need to try to make use of them.

Tom is absolutely right that the United States has been too reluctant to put U.N. issues in the middle of our bilateral relationships. The late Ambassador Holbrooke used to say that blaming the United Nations for a problem in New York was like blaming Madison Square Garden for a poor showing by the Knicks. There is a fair amount of truth in that, that the real problems in U.N. capitals are almost always the result of member state behavior. There are certainly issues in the institution itself, but it is member states who are really driving these.

So my own view is they should make a try. They should make it an issue in our bilateral relationships. I would do it through a one-line resolution in New York as part of the General Assembly and try to build a consensus between sort of support with the Arab group and also support for the countries of Europe who want the U.S. to stay engaged on the council.

Senator YOUNG. Thank you all.

Senator Merkley.

Senator MERKLEY. I want to continue for a moment the conversation over the permanent agenda item. I have the list of the membership here. I am wondering if the President's trip to the Middle East and the alliance of interests that exists now between a num-

ber of Sunni nations and Israel in regard to Iran specifically may create an opening for ending agenda Item 7.

Do any of you think that there is an opening right now?

Mr. NEUER. I think it should be tried and should be explored. I am skeptical. Some of the regimes, the governments that you contemplated, do, indeed, have an on-the-ground alliance of interest with Israel. Certainly, Egypt, for example, is cooperating with Israel very substantially on the ground. However, the moment you come to the United Nations arena, you get completely removed from what is happening on the ground. Sometimes, you even see the opposite. You see governments that, for their own strategic reasons, may want to cooperate with Israel but have not yet built up legitimacy for that position among their people. So at the United Nations, they will often do the opposite and actually aggravate their anti-Israel position.

So I am skeptical that the opening that you are seeing on the ground will translate to the United Nations. But nevertheless, I think it should be explored.

Senator MERKLEY. So this concept that the U.S. should at least explore it or perhaps make a motion, carry a vote, carry a discussion, would all of you support the United States putting that up?

Mr. MALINOWSKI. Yes, I think it is a testable proposition that has not been tested. I would not make the motion without doing the diplomatic groundwork, of course. But I think if the Trump administration is, indeed, serious in its aim of resetting relationships with our gulf partners, with Egypt—I have concerns about that for other reasons. But if that is their intention, this should be one of the dividends of their approach.

Senator MERKLEY. Mr. Malinowski, I think you mentioned that we do not raise it often in bilateral discussions. I guess that piece does surprise me, because those discussions are often private. It is a chance to weigh in on something that we care a lot about.

I believe, Ambassador, in your remarks, you encouraged us to carry on such advocacy.

Ms. SILVERBERG. Yes, I think, as you know, the State Department provides an annual report to Congress on how other countries vote with us in the United Nations. I think that is a real opportunity to start to put some of those issues not just in Geneva but across the U.N. system, to start to put them into the bilateral relationship.

It is sometimes the case that countries are antagonists in New York, not despite the fact that they are U.S. partners, but sort of because of the fact that they are U.S. partners. They can test us in New York to make up for the fact that they are working with us in other ways, as a way to sort of appease their publics. I think we need to really raise the costs of doing that.

It is very difficult when you are at the State Department in an international organization or human rights function and you raise these issues. You will sometimes hear from the regional bureau, "Well, we have a list of 17 other priorities for Egypt, and we cannot possibly raise that issue."

But the cost of that is that the countries that oppose the U.S. in New York and Geneva continue to do that without any real penalty.

Senator MERKLEY. Thank you.

Mr. Piccone, I want to turn to your note that we now have a lot of commissions of inquiry that we did not have before. You mentioned 17 such commissions. That was over what time frame?

Mr. PICCONE. That was since 2011.

Senator MERKLEY. That is a team that goes out and researches on the ground in the relevant nations?

Mr. PICCONE. Yes, it is usually a team of three high-level experts. Sometimes it is the special rapporteur who has already been appointed to that country—for example, in the case of North Korea—and then supplemented by two others. Then there is a quick-action staffing component that OHCHR puts together.

They begin the process of trying to get access to the country. When they cannot get access to the country, they begin collecting testimony from people outside the country. In some cases, they have been able to use video linkups to reach witnesses. They have also used satellite imagery in the case of North Korea to actually see what was going on in some of the camps and then bring that out to the world.

As you know, in the North Korea case, it has led to really important action in terms of bringing this human rights issue to the Security Council agenda, so directly making the link that Ambassador Haley has made between human rights and international peace and security.

Senator MERKLEY. Have we seen any of the recommendations—they make recommendations in these?

Mr. PICCONE. Yes, they do.

Senator MERKLEY. Have we seen countries that have adopted those recommendations, have said, "You know, you are right. Let's change some of these things. Let's improve our international standing"?

Mr. PICCONE. Many of these commissions are contested by the subject state, and they are not willing to cooperate with them. Nonetheless, they go forward as best they can to at least document what is going on in the country. So that provides a public record eventually for some kind of criminal accountability.

In the case of Syria, the commission, supplemented by additional experts that were recently appointed by the U.N. General Assembly, are putting together a list of names that are under lock and key in Geneva that will be used in The Hague, hopefully, one day, to hold those people accountable.

Senator MERKLEY. So it may hold people accountable, but I guess I am also wondering, before the day of such accountability arises, has it actually changed the practices? Has it helped persuade some of these countries to change their practices?

Mr. Malinowski.

Mr. MALINOWSKI. Just picking up on your exchange with Mr. Piccone, in my diplomatic career, I have hardly ever had a witness breaking down on a witness stand moment, where a government says, "You know, you are right. We are doing wrong. We will take all your recommendations into account." But what I found is that, when there is active scrutiny of a country's behavior, that scrutiny, in fact, can and does, in many cases, create a deterrent.

I think the biggest test of this was the North Korea commission. If there is one country in the world where you would expect there would be zero impact on a government's behavior, so it is the toughest test—yet I have spoken to defectors from North Korea, including people who have been in the camps, who have told me that when there is greater international attention to the human rights situation in our country or former country, including this commission, the treatment of prisoners in the labor camps improved.

So if it can work—and it is a very modest effect in North Korea. But if it can work in that kind of setting, where one hopes the camp commanders are thinking, "Darn, my name appeared in this report. It may not be good for me in the future, if Korea is reunified." Then I think it can work just about anywhere. I think in Burundi and other cases, I picked up on a similar dynamic.

Senator MERKLEY. Thank you.

Senator YOUNG. Before I ask a question about membership, which I know is something of interest to each of you, I would like to pick up on a remark made by Mr. Neuer and a similar remark by Ms. Silverberg pertaining to this dynamic of countries that are improving their relations, Sunni countries, many of the GCC countries, improving their relationship with the State of Israel, and yet they will very publicly at the Human Rights Council exhibit an anti-Israel bias for the people back home.

Mr. Neuer, I have a couple thoughts here. Perhaps you can clarify.

One is, we can change the calculus, as Ms. Silverberg has suggested, change the calculus of these countries and encourage them not to exhibit that bias by increasing the cost of exhibiting the bias, right? Another concern though is, if you aggravate that relationship, which is improving, you do not allow them to publicly vent, will you undermine that improving relationship? Perhaps you can speak to that.

And, Ms. Silverberg, you could expand on your position.

Mr. NEUER. I think the experts will have to consider on a case-by-case basis what the relationship is with each country.

Senator YOUNG. Let's take Saudi Arabia.

Mr. NEUER. Yes, so Saudi Arabia is an example. Actually, today, it is not the Human Rights Council, but a lot of the things that happen at the United Nations happen across-the-board.

Today, in Geneva, the World Health Organization just met for its annual assembly, and they just voted to single out one country in the world for health conditions, and that is Israel and its treatment of Palestinians and the Druze in the Golan Heights who live exceptionally well, so the resolution was absurd.

The cosponsors included not only Syria, a cosponsor of the resolution, and the Palestinians, but also Saudi Arabia and other Sunni countries like Kuwait. So that is just an example today where even as President Trump flew from Saudi to Israel, and there were reports in the press that Saudi Arabia would be open to allowing overflights and other changes and improvements in their relationship with Israel, and it has been reported that there are private dealings with Israel, they clearly have no problem with going along with these things.

I think it should be tried. I am not worried that it would hurt the relationship. I think it should be tried.

Senator YOUNG. Okay, so we will soon be considering here in the United States Senate whether or not to offer certain precision-guided weapons to the Saudis to carry on their fight in Yemen. This could conceivably be a precondition for that. That certainly would be leverage, one would think.

Would that be a bridge too far or something you need to reflect more on? I won't put you on the spot.

Mr. NEUER. I would not want to go specific on which measures should be held as preconditions. There are many things which the United States wants the Saudis to do and to not do. Women's rights is one example. As you know, Saudi Arabia was just elected to the women's rights commission of the United Nations, something that we exposed. That is also a very important matter, how they treat women.

So I think, across-the-board, these things will need to be looked at.

Senator YOUNG. Ms. Silverberg, you want to increase the cost, change the calculus.

Ms. SILVERBERG. There are a lot of equities in our relationships with every one of these countries.

Senator YOUNG. Yes.

Ms. SILVERBERG. I would not suggest that this has to be the top of the list. I do not think it has to be, actually. It is a very low-cost request to these guys, that they basically do their venting in a place where we do not pay the cost.

So right now, the fact that they are putting us in this uncomfortable position in Geneva is what is raising this question about our continued ability to use the council to pursue our human rights agenda.

It is the same thing with the Security Council. When I was Assistant Secretary, every veto instruction I had to issue was on an Israel-related resolution, which was advanced principally by a key U.S. partner. So they put the United States in the position, in an uncomfortable position, as a way of—we paid the cost for that.

So I think it would be enough, actually, for the Trump administration to say this is a priority we are watching and we would like you to take the venting elsewhere.

Senator YOUNG. Thank you.

With respect to membership, more than half the countries on the council are designated by Freedom House in their 2017 Freedom in the World report as either not free or partly free. I ask all of you, what can and should the United States and our international partners specifically do to keep the world's worst human rights abusers off the council? You might address in your answers how we can increase the frequency of suspensions for countries that fail to respect human rights and whether it would be helpful to end the use of closed states, which Mr. Malinowski suggests denies U.N. members the ability to vote for the best candidates and against the worst.

Mr. Malinowski.

Mr. MALINOWSKI. I will start with the closed slates problem, and you know how this works. The elections, all members of the U.N.

can vote, but the slates are selected by the regional groupings. So if Africa gets four seats, if they nominate four members, then there is no choice, because four will go through, however popular or unpopular they are.

Last year, the Eastern Europe group did the right thing and nominated more than the number of the allotted seats that they had, and Russia lost. It was a really, really big deal.

I would add that one of the regional groupings that does not do the right thing and that maintains a closed slate is our own. So we have to be willing, if we believe in this, to run ourselves on an open slate and to subject ourselves to the judgment of the members. That is sometimes uncomfortable for the State Department. We would rather be assured of victory ourselves, even as we want the right to vote on others.

But I think this is the key reform that would make a big difference.

Senator YOUNG. Mr. Piccone.

Mr. PICCONE. I would, in addition, add a couple things. It really requires an effort with other like-minded states to recruit others that we think will be on the right side on these issues to run. For a lot of low-income or small-island states, they do not have the resources to manage a mission in Geneva. There is a technical assistance fund to support them, so let's continue to support that. It has made a difference. We have had Sierra Leone, a small, very poor country that joined the council, and we worked very effectively with them to break up that Africa bloc on some key votes.

We also need to use the annual elections process to really embarrass the worst country states.

And I think you can go further. When you do have a closed slate, you can still deny a state by making sure that they do not get that 97 minimum votes to even get on the council.

So it is hard, but why not go for that kind of goal?

Senator YOUNG. Could I interject? What would that look like, to embarrass a candidate country in the course of an election?

Mr. PICCONE. Sure. I think you convene public sessions on the margins of the U.N. General Assembly around election time, and you call on the Office of the High Commissioner to give a report on whether a state is cooperating with the council, have the invited countries visit people. You then have human rights activists come and give a report on how they are actually performing on the ground. And there are criteria that are adopted by all the member states about how to elect candidates, and you just use the criteria that they have agreed to.

Those are my main recommendations on that.

Senator YOUNG. Anyone else? That was quite helpful.

Mr. Neuer.

Mr. NEUER. I think this is a vital issue. U.N. Watch, since the beginning of the council, has been leading the opposition each year to the election of dictators. We have brought the most famous human rights victims to the United Nations in New York to argue against the election of China, Cuba, Saudi Arabia, Venezuela. Sadly, with just really a handful of exceptions, they always get reelected.

So how do we fix that? I think two things need to happen. One is serious diplomatic heavy lifting by the U.S. State Department together with its allies. To date, we have not seen that, in my opinion. We saw Russia losing, so I assume that some work happened behind the scenes. But otherwise, in the past decade, we have seen very little of it.

Senator YOUNG. Why do you believe that is, very quickly? I mean, it is not as though our Congress, our government is not a friend of Israel. We are a friend of Israel. We are close allies. So why do you think that has been the case?

Mr. NEUER. Well, if we look at Saudi Arabia, for example, being elected, the U.S. is obviously a close ally of Saudi Arabia. With China being elected, the U.S. may fear to take on China. You go across-the-board, I will defer to those who served in government to respond.

But I do want to say one thing. We could not get the United States or the European Union to say a word, forget about what they were doing or not doing behind the scenes, but to go on the record and say that Cuba, China, Venezuela, should not be elected. I could not get them to go on the record. There was really a handful of cases, when Iran and Syria were running, and we exposed that, and then they made a statement. But otherwise, they have been completely silent.

Mr. MALINOWSKI. I know on that, right or wrong, we have had a policy, and I am not sure if you had it in the Bush administration, but I think it has been a fairly consistent policy, of not publicly announcing our votes in the U.N. for members of various bodies, because once you do that, then you get into offers of horse-trading and negotiations. We would rather sort of stay above the fray.

So we will say that we have a policy of voting against human rights violators for the Human Rights Council, and you know what that means. Obviously, we are not going to vote for Cuba or Russia or China.

We had an active policy, and I am sure you did in the Bush administration, of trying to recruit good candidates and urging our partners around the world to vote against the bad candidates behind the scenes.

But again, for better or worse, different views on this, we did not announce our preferences publicly.

Ms. SILVERBERG. We did generally have that policy. We made a couple exceptions. One, when Venezuela sought a Security Council seat, we recruited a country to run against them and then ran a very public campaign to try to keep them off the council.

In my view, this issue of closed slates of regional consensus candidates goes to some of the core U.N. dysfunction. It is an issue not just with the Human Rights Council but really across-the-board at the U.N. It is the role of the regional groups. If the State Department can figure out how to crack that nut, it will really, I think, have enormous positive implications across the system.

Senator YOUNG. Thank you. I have so many more questions, but I will be passing it to Senator Merkley, and note that we will be concluding in 20 minutes.

Senator Merkley.

Senator MERKLEY. I am fascinated that there has not been a rule strategy to solve this, whether the rule might be that each region must nominate twice as many countries as there are slots so it creates something competitive, or that there has to be a certain standard in an international report to serve on the Human Rights Council.

Have we attempted some strategies to change the kind of internal dynamics that you all are describing either behind the scenes or as an actual proposed rule change?

Ms. SILVERBERG. We made the proposal as part of the original negotiations over the Human Rights Council. We made the proposal that countries be required to run more than one candidate per seat.

As Tom said, one of the real issues with this is that the Western group, to which we belong, likes to use consensus candidates, that no country likes to put itself forward for election and then lose. This was particularly in mind for the United States during the negotiations, because we had lost a race for the Commission on Human Rights. So that was in the back of everyone's minds.

My own view is that it is well worth the risk. I would happily see the U.S. lose on occasion if we could actually get at this core issue of countries who really do not have a good faith commitment to the institution filling some of the seats.

Senator MERKLEY. Would all of you share that view, that it is worth the risk?

Mr. MALINOWSKI. Yes, I think if I have one simple argument to make today, it is that we are pretty good at winning when we put our minds to it. We have good diplomats. When they are told something is a priority, and to go out, fan out around the world from Moscow to Mauritius, and try to win a vote at the United Nations, including for our own membership on a body, if we are really serious about it, I think we are pretty good at winning—so long as we confirm our Assistant Secretaries and Ambassadors and give them a budget, I would add, as a caveat.

Senator MERKLEY. Very good.

Yes, Mr. Neuer?

Mr. NEUER. I think the effort should be made. And I just want to note there were some exceptions to the policy of not speaking publicly in opposition to candidacies. One was Syria when we revealed that Syria was being chosen by the Asian group. The United States did go on the record, and the European countries, in the only case that I am aware of, did go on the record, a number of them, EU countries, to oppose Syria's candidacy, in the end.

Senator MERKLEY. When you say, "when we exposed that Syria was being nominated," aren't the nominations public? Aren't the people voting on countries that are nominated?

Mr. NEUER. Things tend to be secret until the end.

Senator MERKLEY. Secret until the moment of nomination.

Mr. NEUER. Yes, diplomats in the Asian group told us that Syria was being selected, but it was not public yet.

Senator MERKLEY. Selected to be a nominee.

Mr. NEUER. Correct.

Senator MERKLEY. But the entire membership of the U.N. is voting secretly on these. No? I see some shaking heads "no" there.

Mr. MALINOWSKI. Once the candidates are known, then it is a public vote. What our policy has been, with admittedly some exceptions to the rule, is that when there is an election for members of a particular U.N. body, be it the Human Rights Council or the Security Council or something else, we have generally not publicly announced who we are voting for and who we are voting against, for the reason that I mentioned.

Senator MERKLEY. No, I got that.

Mr. MALINOWSKI. And there is an argument for and against that policy, but that has been generally the standard in very egregious cases, and I think that was a good example you raised. We have been more honest and said, of course, we are voting against Syria.

Senator MERKLEY. Did you want to weigh in on this?

Mr. PICCONE. On the final vote, we know the vote tally, but we do not know how every country voted, for which government.

Senator MERKLEY. Because it is secret.

Mr. PICCONE. But we have had cases where, through our diplomatic channels, hearing about candidates that are being discussed, and activated an effort to derail certain candidates. And knowing that they would lose, they withdrew their candidacy. That happened with Iran.

Then when there have been open contests, we have also defeated countries like Azerbaijan and Belarus and others.

Senator MERKLEY. Yes, Mr. Neuer?

Mr. NEUER. I think we should redouble our efforts to improve the elections. I do want to say that, if that fails, which according to recent experience, it will fail, then we should consider scrapping the entire election process and going to what exists in New York in the Third Committee where every country is a member, because the elections currently serve the dictatorships. The Saudi Ambassador in Canada, when he was challenged about their human rights record, said, "What are you talking about? We were elected to the Human Rights Council."

They use election to the Human Rights Council as a false badge of international legitimacy. If the election system continues to fail, we should scrap it and let every country, which are already observers and present in Geneva, let them be members.

Senator MERKLEY. I will tell you one thing that would be of value to us is to have you all, with your experience, suggest to us three or four different ideas that could also be suggested to the Ambassador of the United Nations. We went up to the U.N. to have an initial conversation with our Ambassador, to understand some of the things that she was wrestling with. This Human Rights Council is one of those. Sometimes the battle is fought on the process as a way of getting to the result.

I wanted to switch to the question of, if you get elected, does that protect you from being the target of a commission of inquiry?

Mr. PICCONE. In principle, no, it does not.

Senator MERKLEY. Not in principle, but in reality.

Mr. PICCONE. In practice, I am just quickly running through my mind, the states that have been subject to commissions of inquiry I think have not been on the council at the time those decisions were made. Of course, they are given an opportunity to speak and

object and lobby others against it, but they have been, obviously, unsuccessful in those cases that I mentioned.

Senator MERKLEY. I think it is interesting, as you all have noted, that being elected is sometimes used as a defense that, "Oh, our human rights cannot be that bad. We were elected to the Human Rights Council."

I am guessing an additional incentive to get onto it is to deflect your country being a target of inquiry. And, thus, we have this kind of perverse incentive. Instead of having the countries that are really striving to elevate human rights, we have an incentive for those who are not striving to elevate human rights be members. That is just a fundamental flaw in the design that we have to try to remedy.

I wanted to turn to the Universal Periodic Review. Is that done each year?

Mr. PICCONE. It is a cycle. Over the course of 4, 4.5 years, every country is reviewed once. They just finished their second cycle. So every country has now been reviewed twice. And recommendations are tabled by governments, and accepted or not accepted by the receiving government. Then the second review reviews their implementation of the progress they have made on the first round, among other things.

Senator MERKLEY. Is this also subject to enormous pressure or manipulation? In other words, if we were to take a group like Human Rights Watch the does totally independent reports, would their results be more or less similar to these internal U.N. Universal Periodic Reviews?

Senator YOUNG. If I could interject, respectfully, I always like to stir up disagreement wherever possible in these hearings. I note that there is seemingly a disagreement between a couple of our panelists on this. I would like to get clarity on your positions.

Mr. Piccone, you described UPR in pretty positive terms, in your testimony.

Mr. Neuer, you say that most of the reviews have failed to be meaningful, effective, or noteworthy, and you cite examples in which there were renowned human rights abusing countries, and you refer to this essentially as a mutual praise society.

So thank you for indulging me.

Ms. SILVERBERG. May I just hop in? I am closer to Hillel on this point. In fact, I think I might think it is even slightly worse, because the fact that this is universal facilitates a kind of moral equivalence. You will see a paragraph about how Sweden is trying to promote gender equality in the Swedish Government, and it looks just like the paragraph on another country that is dealing with extrajudicial killings. The fact that countries all go through this actually has some really negative effects.

My 4-year-old's preschool class has this practice of having everyone go around the room and say something nice about all of their classmates, and UPR functions a little that way, that you will have the UPR on Algeria and you will have a bunch of countries welcoming progress that Algeria has made and embracing—and that happens with every country, no matter what their human rights record.

So my own view is, actually, we really need to think about whether UPR is giving the countries without constructive records a positive talking point in their defense.

Senator YOUNG. Tom?

Mr. MALINOWSKI. Yay, we have a disagreement.

[Laughter.]

Mr. MALINOWSKI. First of all, I think the universality, the fact that Sweden and the United States are subject to this, is actually quite helpful.

When I was Assistant Secretary for Human Rights, it was really, really important to me in a lot of hostile situations dealing with authoritarian governments to say, "You know what? The United States has these obligations too. We subject ourselves to scrutiny. We come to Geneva. We are totally open about NGOs asking us questions, other countries challenging us if they think we have a problem, answering those questions. We are not defensive. You should not be either." It was important for us to be able to say that there is this equality.

Number two, absolutely, when Cuba is up there doing its UPR, the Chinese and the Russians will go to that session and they will praise them. Of course, they will. The Cubans will praise the Russians. You cannot design any system in the U.N. in which the dictators will not praise each other. I mean, they are going to do it.

But that is not all that happens because the democracies are also on those panels, and we had a policy under the Obama administration of attending every country's UPR and asking tough questions, and there are other democratic countries that do the same thing.

So Algeria, sure, they are going to get some praise from somebody, but they will also have five or six countries on that panel asking them about freedom of expression, political prisoners, how they treat LGBT people and women. And for the powerful countries like Russia and China, which because they are permanent members really do have a lot of defensive mechanisms to protect themselves against resolutions and commissions of inquiry, this is the one place where they sit at a table like this with people on a higher panel asking tough questions, where they have to answer them, where there are recommendations made that go to the heart of the problem in those countries. And when we talk to activists in these countries, they really, really value this process.

So this is something I am relatively positive about, more so than other things that go on in Geneva.

Mr. NEUER. When Qaddafi was reviewed, the New York Times actually wrote a whole article quoting the reviews, 80 percent of which were praise for Qaddafi. That number remains consistent for a number of countries. I often speak when the UPR reports are adopted, and they open them up, and I ask one of my colleagues, count how many statements and recommendations are praise. Often, the number is 80 percent.

So it is really not a small minority. It is a lot. The praise comes from China praising Saudi Arabia for their actions on religious freedom, and Saudi Arabia the next day praising China for their treatment of ethnic minorities.

But it is also democracies. Many democracies fail to stand up and ask concrete, specific, meaningful questions that apply scrutiny.

So I think a lot of work has to be done. I am glad the UPR exists on paper. It is good for NGOs. It is a chance once every 4 or 5 years to spotlight China or some other country. But regrettably, what happens in the room too often is then used by those regimes back home.

I think the action item for democracies is to work much harder in getting our allies——

Senator MERKLEY. We are down to just 7 minutes left, which I am going to leave with the chair, so I will just ask this last piece.

Duterte, President Duterte in the Philippines, has had now I think more than 6,000 extrajudicial killings, encouraging people to be cut down in the street. The Philippines is on the commission, if this is a recent list. I think it is.

Is there ever a case where the Human Rights Commission says, "There are egregious actions. We need to expel someone from the Human Rights Commission"?

Mr. MALINOWSKI. Yes, that can be done. It was done with Libya. So Qaddafi got a lot of praise, then he got kicked out once he got unpopular. That is politics.

I think it would be difficult in the case of the Philippines. Remember that when the Philippines was elected, I think we were probably quite happy at the State Department because it is a democracy and it is our ally and we thought it is a lot better than a lot of alternatives in Asia. And we are all now kind of adjusting to a reality in which they are still a democracy, but there is——

Senator MERKLEY. So is Libya the only case?

Mr. MALINOWSKI. Yes, I think so.

Senator MERKLEY. I am going to turn the time back over to the chairman. I thank you all so much for coming. It certainly helps us have a much better understanding. I would encourage you to follow up with the members of the subcommittee on ideas that you have that we should consider, and consider advocating for, or consider brainstorming with our delegation at the United Nations on. I really appreciate your service and insights.

Thank you.

Senator YOUNG. I want to thank our ranking member for his thoughtful questions. I just really enjoy serving with you on this subcommittee.

The exchange on UPR, to our panelists, was clarifying. I think everyone agrees that we should maintain the UPR, irrespective of its deficiencies, looking perhaps to improve it along the way, as we would anything.

Mr. Neuer, yesterday, you sent a letter to the U.N. High Commissioner for Human Rights regarding the apparent secretariat policy of disclosing the names of human rights activists attending Human Rights Council sessions to requesting state parties, including China, in advance of the session.

Can you describe what has happened? Why would this happen? Why would this be the policy, why you find it concerning, and perhaps what we should do about it?

Mr. NEUER. Thank you.

This policy, which we find outrageous, is something of direct concern to us because we bring human rights victims to speak. We brought Ti-Anna Wang, whose father is a democracy pioneer in

China who remains behind bars for his democracy work. We brought her to testify a couple years ago at the Human Rights Council.

She was intimidated by Chinese agents who were accredited NGO delegates but were actually, apparently, agents of the Chinese regime. They were detained by U.N. security, and then one of them was expelled because of his actions to harass and photograph our human rights activists.

So Chinese harassment is a real issue. Actually, Human Rights Watch yesterday had a press release about it in various U.N. fora.

When we learned from a U.N. whistleblower, Emma Reilly, who works for the Office of the High Commissioner—she was that office's liaison to NGOs. And she said she was instructed by the chief of the Human Rights Council Branch to "confirm," according to the U.N. press release, that they confirmed names to China. The Chinese gave about 12 names to the U.N. and said, "are any of these activists coming to the upcoming session?" According to the U.N. press release of February of OHCHR, they confirmed—that language is a dubious word, because China did not have that information. They gave names to China of activists who were coming.

We find that outrageous. If that policy is still in existence, it is written nowhere on any OHCHR Web site for activists to know about, and it endangers the safety and security of human rights activists from China and other countries who come to speak at the council.

Ms. SILVERBERG. May I just add——

Senator YOUNG. Please.

Ms. SILVERBERG.—that I said in the testimony that the chief of the Human Rights Council Branch should be replaced. I would put that high on Ambassador Haley's to-do list on Geneva. This is one of the many reasons why.

Senator YOUNG. Any other thoughts about how we might improve this situation? This seems like a really good start.

Mr. MALINOWSKI. Forgive me for this, but I think there is a somewhat broader point that we need to keep in mind, and I think both of you alluded to it in your opening statements, and that is that, if we want to make the Human Rights Council more effective, that presupposes that we care about human rights in our foreign policy. Let's be honest, that is somewhat in doubt right now.

I mean, you mentioned the case of the Philippines. The one thing that I would add to my previous answer is that I do not think our government right now would support an effort to remove the Philippines from the Human Rights Council because I am sorry to say that our President has just endorsed the policy of extrajudicial killings there.

And I think there are a lot of questions around the world about whether the Human Rights Council will effectively speak up for human rights. We have been focused on that in this hearing, but there is a larger question about what the policy of the United States is going to be going forward, given Secretary Tillerson's comments that this is a value but not a policy, some of the strange things that the President has said, and then very much contrary to that, our Ambassador to the United Nations acting very much

in the tradition, bipartisan tradition, of administrations that care about this issue.

That is the key thing that needs to be resolved here. If it is resolved in the right way, then all of our recommendations become relevant. If it is not, then this is kind of deck chairs on the Titanic.

Senator YOUNG. I see a number of affirmative nods. I think that is perhaps a very good place to end. I want to thank all of our panelists once again for your thoughtful and thought-provoking testimony. And that concludes our hearing.

[Whereupon, at 3:39 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

THE COMMITTEE RECEIVED NO RESPONSE FROM KRISTEN SILVERBERG FOR THE FOLLOWING QUESTIONS SUBMITTED BY SENATOR TODD YOUNG

Question. In your prepared testimony, you stated that "With respect to the [Office of the High Commissioner for Human Rights], the U.S. should . . . insist on measures to put teeth behind U.N. whistleblower protections." What specific reforms do you believe are necessary with respect to the Office of the High Commissioner and whistleblower protections?

[No Response Received]

Question. What is the process for convening an "urgent session," and do you believe the U.S. is making sufficient use of this option?

[No Response Received]

Question. What reforms are necessary in the Office of the High Commissioner? What role could or should Congress play in promoting those reforms?

[No Response Received]

RESPONSES OF TOM MALINOWSKI TO QUESTIONS SUBMITTED BY SENATOR TODD YOUNG

Question. Ms. Silverberg, in her prepared testimony, stated that "With respect to the [Office of the High Commissioner for Human Rights], the U.S. should . . . insist on measures to put teeth behind U.N. whistleblower protections." What specific reforms do you believe are necessary with respect to the Office of the High Commissioner and whistleblower protections?

Answer. The United States has consistently advocated for better protection of whistle blowers at the U.N.. As a result, there have been important improvements over the last decade. This is true for OHCHR as well. In January this year, Secretary General Guterres announced a more robust whistleblower protection policy, which empowers investigators and provides better protections against retaliatory action. We should closely monitor the implementation of this policy to determine whether it is sufficient.

Question. What is the process for convening an "urgent session," and do you believe the U.S. is making sufficient use of this option?

Answer. A Special Session is used when a grave human rights situation emerges and the Council decides it cannot wait for one of the three yearly ordinary Sessions of the Council. Calling a Special Session requires the signatures of 1/3 of the 47 members of the Council—or 16 member countries. Over the last two years, the United States has led efforts to call Special Sessions on the human rights situations in Burundi and South Sudan, and, along with the UK, on Syria. The Special Session is an important tool to highlight both emerging crises and focusing the world's attention on the gravest of situations. But it has to be used carefully. Overuse would eliminate its power and usefulness.

Question. What reforms are necessary in the Office of the High Commissioner? What role could or should Congress play in promoting those reforms?

Answer. We should first acknowledge the vital role OHCHR plays in the promotion of human rights around the world. It is the main international tool we have for getting help and advice to fragile democracies dealing with tough human rights

problems (for example, its institutional capacity building in Columbia and technical assistance mission in Cote D'Ivoire), and for deploying investigative teams to document human rights abuses (for example, in Burundi, Burma, Yemen and Russian-occupied areas of Ukraine). OHCHR has the diplomatic credibility that comes from being a U.N. body, but it has also maintained its moral credibility. The current High Commissioner, Zeid Ra'ad al Hussein, has been principled and fearless in calling out human rights abusers, including powerful governments like Russia and China. He has worked cooperatively with the United States. We need his leadership—and that of OHCHR—more than ever, given the stated intent of the President of the United States and our Secretary of State to deemphasize human rights in our foreign policy. In fact, I would strongly advocate increasing America's voluntary financial contributions to OHCHR, particularly for its field investigations and technical assistance missions.

An important reform we should support would be to realize the High Commissioner's plan to move personnel out of the main office in Geneva to OHCHR's regional and country offices. This restructuring would bring human rights professionals where they are needed most, on the ground in countries seeking to address human rights challenges. This initiative is viewed as a threat by some states that do not want a more effective OHCHR. Thus far, these states, such as Cuba, China and Russia, have blocked action in the Fifth Committee in New York. We should offer full throated support the High Commissioner's restructuring proposal.

THE COMMITTEE RECEIVED NO RESPONSE FROM HILLEL C. NEUER FOR THE FOLLOWING QUESTIONS SUBMITTED BY SENATOR TODD YOUNG

Question. Of the total amount of resolutions adopted by the Council in its last calendar year, what percentage condemned countries that are rated "Not Free" under the latest annual Freedom House survey?

[No Response Received]

Question. Ms. Silverberg, in her prepared testimony, stated that "With respect to the [Office of the High Commissioner for Human Rights], the U.S. should . . . insist on measures to put teeth behind U.N. whistleblower protections." What specific reforms do you believe are necessary with respect to the Office of the High Commissioner and whistleblower protections?

[No Response Received]

Question. In your prepared remarks, you argued that the "U.S. should end its unwritten policy of submitting texts only when they are likely to be adopted." Can you describe this concern and its consequences from your perspective? What would be the benefit from your perspective of submitting texts that are not likely to pass?

[No Response Received]

Question. In your prepared remarks, you made the following statement, "victims of human rights crises around the globe have been ignored" by the Council. Where do you think the silence or inaction of the Human Rights Council has been most egregious?

[No Response Received]

Question. What is the process for convening an "urgent session", and do you believe the U.S. is making sufficient use of this option?

[No Response Received]

Question. Of the total amount of resolutions adopted by the Council in its last calendar year, what percentage were adopted under Agenda Item 4, concerning human rights violations in specific countries? How does that compare to Item 7?

[No Response Received]

Question. Do you have any concerns related to the number of people who work in the Office of the High Commissioner or that office's budget? What reforms are necessary in the Office of the High Commissioner? What role could or should Congress play in promoting those reforms?

[No Response Received]

RESPONSES OF TED PICCONE FOR QUESTIONS
SUBMITTED BY SENATOR TODD YOUNG

Question. Silverberg, in her prepared testimony, stated that "With respect to the [Office of the High Commissioner for Human Rights], the U.S. should . . . insist on measures to put teeth behind U.N. whistleblower protections." What specific reforms do you believe are necessary with respect to the Office of the High Commissioner and whistleblower protections?

Answer. Good governance requires strong whistleblower protections at any public institution, including the United Nations and all its agencies. The best way to handle this is to have a clear policy that applies to all U.N. employees and contractors.

This is precisely what Secretary General Guterres has done when he approved an upgraded whistleblower protection policy on January 20, 2017, just weeks after he assumed office. This new policy reflects best practices, including expanded protection from retaliation, preventive action where a risk of retaliation has been identified, and protecting staffers when they report misconduct "to an entity or individual outside of the established internal mechanisms" if it involves "a significant threat to public health and safety," "substantive damage" to U.N. operations, or "violations of national or international law." I understand that the Secretary General is continuing to review the policy and may take additional steps this summer.

OHCHR is bound by these U.N. policies. In the wake of various reports of disputes regarding its implementation of such policies, it has repeatedly stated its support for whistleblower protection and claims full adherence to those standards. As the lead human rights agency for the U.N., it has a special obligation, in my view, to be rigorous about protecting those who "speak truth to power" whether inside or outside the organization.

Question. What is the process for convening an "urgent session," and do you believe the U.S. is making sufficient use of this option?

Answer. According to U.N. General Assembly Resolution 60/251 establishing the Human Rights Council, special sessions may be convened, "when needed, at the request of a member of the Council with the support of one third of the membership of the Council." This one-third requirement is a fairly low bar given the composition of the Council.

Through 2016, the Council has held 26 special sessions on matters of particular urgency and gravity; 24 of these have concerned country specific situations like Syria, South Sudan, Libya, Central African Republic, grave violations committed by Boko Haram in Nigeria, and the Occupied Palestinian Territories. This mechanism has served a vital purpose of bringing particularly urgent and grave situations to the Council's agenda outside its normal three regular sessions. The United States can and should utilize this tool more often to bring issues forward that otherwise may not get the attention they deserve during the crowded regular sessions. To be effective, our diplomats need the proper resources and leadership in the State Department to do the extra spade work required to organize a functioning coalition of like-minded states that will not only support calling for the session but also yield results-oriented action by the Council

Question. What reforms are necessary in the Office of the High Commissioner? What role could or should Congress play in promoting those reforms?

Answer. I have called for OHCHR deploying more staff to the field, either in OHCHR offices or integrated into other missions like peacekeeping, humanitarian affairs and development. The current High Commissioner, Zeid Raad al Hussein, is trying to bring the Office's work closer to the ground by moving staff from high-cost locations like Geneva to regional offices. This and other reforms have been supported by the United States and other states from the Americas and Europe, but budgetary decisions to implement them continue to be blocked in New York by states that oppose more robust human rights scrutiny, like China, Cuba and Russia.

Another area that needs attention is communications and outreach. If public and media attention is not brought to the world's human rights crises and concerns on a regular basis, states and other responsible parties will feel less pressure to change their ways. OHCHR has made a lot of improvements over the last several years in its digital and webcasting presence, but continues to be understaffed in this area. Partnerships with civil society, universities, businesses and the media would further help amplify its message and mainstream the universality of the international human rights agenda.

OHCHR, and the human rights pillar of the U.N. more generally, have suffered for decades from a lack of regular budgetary resources. OHCHR is now facing a gap of over $100 million between the demands placed on it and its resources. Such a

deficit hurts the Office's ability to deliver on human rights priorities that advance U.S. policies and interests. Voluntary contributions, therefore, are critical. As its largest donor, the United States is the leader in this field and should remain so. The Congress can help by ensuring continued contributions to OHCHR, advocating that it get a greater share of the U.N. regular budget (currently only three percent of which goes to all human rights activities), and urging other donors to make voluntary contributions as well.

Finally, I believe it is critical that the long overdue effort to mainstream human rights across the U.N. under the banner of "Human Rights Upfront," which Secretary General Ban ki Moon initiated after the debacle surrounding the grave human rights violations committed during the final stages of the conflict in Sri Lanka, continue under Secretary General Guterres.